ELECTION ACT

ELECTION REGULATIONS

DGE-700-VA (08-01)

LE DIRECTEUR GÉNÉRAL
DES ÉLECTIONS DU QUÉBEC

AMENDMENTS TO THE ELECTION ACT

VOTING AT THE OFFICE OF THE RETURNING OFFICER

In accordance with the agreement signed pursuant to section 489 of the Election Act (R.S.Q., c. E-3.3) between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, sections 263 to 268 of the Election Act, introduced by section 15 of the Act to amend the Election Act to encourage and facilitate voting (2006, c. 17), are replaced by the following as from December 5, 2007:

DIVISION II

VOTING AT THE RETURNING OFFICER'S MAIN OFFICE OR AT ONE OF THE RETURNING OFFICER'S BRANCH OFFICES

§1. – *Voting by electors in the electoral division of their domicile*

263. An elector who would like to vote at the office of the returning officer votes at the main office or at the satellite office of the polling subdivision of his domicile established by the returning officer in the electoral division, on the tenth and ninth days before polling day and from the sixth day to the fourth day before polling day. On the last day, polling ends at 2 p.m.

264. Unless the provisions are repugnant, sections 307, 320 to 327, 329 to 332, 334, 335.1 to 340 apply to polling at the office of the returning officer, considering the necessary adaptations.

265. The members of the special board of revisors act as members of the identity verification panel.

The chair of the special board of revisors acts as the chair of the identity verification panel.

266. When the elector is admitted to vote, the person assigned to voting at the returning officer's office gives the elector a ballot paper, after initialling it in the space reserved for that purpose and removing it from the counterfoil. After voting, the elector places the ballot paper in a ballot box provided for that purpose.

Sections 342 to 351 apply, with the necessary modifications.

267. At the end of each voting day at the returning officer's office, the person assigned to voting seals the ballot box and the various envelopes used and puts the polling materials away in a safe place. When the voting resumes, the person takes out the polling materials and removes the seals.

After each day, the returning officer sends the candidates the list of the electors who have voted.

At the end of the period referred to in section 263, the person assigned to voting at the returning officer's office follows the procedures set out in sections 301.3 and 301.4, with the necessary modifications.

268. The votes are counted in the electoral district.

Note : These sections apply on any by-election and on the next general election if these occur before the entry into force of sections 263 to 268 introduced by section 15 of the Act to amend the Election Act to encourage and facilitate voting.

Chapter E-3.3

ELECTION ACT

Election regulations

LE DIRECTEUR GÉNÉRAL
DES ÉLECTIONS DU QUÉBEC

Legal deposit – 1st quarter 2008
Bibliothèque et Archives nationales du Québec
National Library of Canada
ISBN 978-2-550-52011-5

FOREWORD

This edition contains the Election Act and the Election Regulations. Where it is intended to interpret or to enforce the Act or Regulations, the official wording published by the Éditeur officiel du Québec should be used.

Marcel Blanchet
Chief Electoral Officer
President of the "Commission de la représentation électorale"

Updated January 3, 2008

SUMMARY

page

Election Act 1

Election Regulations 169

Election Calendar 243

ELECTION ACT

INFORMATION PERTAINING TO THE ELECTION ACT

The Election Act (1989, c. 1), approved March 22, 1989 and effective April 24, 1989, except subparagraph 4 of the first paragraph of section 1 which came into force on April 15, 1990, has been modified by the following acts:

1990, c. 4
1991, c. 48
1991, c. 73
1992, c. 38
1992, c. 21
1992, c. 61
1994, c. 18
1994, c. 23
1995, c. 23
1996, c. 2
1997, c. 8
1998, c. 52
1999, c. 15
1999, c. 25
1999, c. 40
2000, c. 8
2000, c. 15
2000, c. 29
2000, c. 59
2001, c. 2
2001, c. 13
2001, c, 26
2001, c. 45
2001, c. 72
2002, c. 6
2002, c. 10
2004, c. 36
2005, c. 7
2006, c. 17
2006, c. 22
2007, c. 29

TABLE OF CONTENTS

	section	page
TITLE I		
ELECTORS		15
Chapter I		
Qualified electors	1	15
TITLE II		
ELECTORAL REPRESENTATION		16
Chapter I		
Electoral divisions	14	16
Chapter II		
Electoral precincts and polling subdivisions	34	20
Chapter II.1		
Transmission of list following a new delimitation	38.1	21
TITLE II.1		
PERMANENT LIST OF ELECTORS		22
Chapter I		
Description	40.1	22
Chapter II		
Entry on the list and updating	40.3.1	23
Chapter II.1		
Permanent revision		26
Division I		
Establishment and organization of permanent board of revisors	40.12.1	26

	section	page
Division II		
Revision process	40.12.12	28
Division III		
Suspension of proceedings and end of term	40.12.20	30
Chapter III		
Vérification		31
Division I		
Enumeration of electors	40.13	31
Division II		
Ad hoc revision of the list	40.38	35
Chapter III.1		
Tranmission of the list	40.38.1	35
Chapter IV		
Confidentiality	40.39	36
TITLE III		
AUTHORIZATION AND FINANCING OF POLITICAL PARTIES, INDEPENDENT MEMBERS OF THE NATIONAL ASSEMBLY AND INDEPENDENT CANDIDATES		37
Chapter I		
Authorization of political parties, party authorities, independent Members of the National Assembly and independent candidates		37
Division I		
General provisions	41	37
Division II		
Authorization of a political party	47	39
Division III		
Authorization of a party authority	52	40
Division IV		
Merger of authorized parties	53	41

	section	page
Division V Authorization of an independent candidate or of a Member of the National Assembly who becomes an independent	59	42
Division VI Miscellaneous provisions	63	44
Division VII Withdrawal of authorization	67	45
Chapter II Financing of parties, independent Members and independent candidates		48
Division I Public financing of political parties	81	48
Division II Contributions	87	49
Division III Expenses and loans of authorized entities	102	52
Division IV Auditors	107	53
Division V Financial reports	113	54
TITLE IV ELECTION PERIOD		57
Chapter I Writ of election	128	57
Chapter II Election officers	136	59
Chapter III List of electors		61
Division I Production and transmission	145	61

	section	page
Division IV		
Revision		62
§1.– Establishment of boards of revisors	179	62
§2.– Boards of revisors and mobile boards of revisors	180	62
§2.– Revision process	197	66
§4.– Special boards of revisors	220	71
§5.– Board of revisors for electors outside Québec	229	73
§6.– Sending of the revised list of electors	233.7	75
Chapter IV		
Candidates	234	75
Division I		
Nomination papers	237	76
Division II		
Leave of candidates and official agents	248	78
Division III		
Withdrawal or death of a candidate	256	79
Chapter IV.1		
Election posters and billboards	259.1	81
Chapter V		
Poll		82
Division I		
Notice of a poll	260	82
Division I.1		
Alternative voting procedures	262	83
Division II.1		
Voting by mail		83
§1.– Voting by electors outside Québec	281	83
§2.– Voting by inmates	294	86

	section	page
Division II.2		
Advance polling		87
§1.– General provisions	300	87
§2.– Polling stations set up in residential facilities	301.6	88
§3.– Mobile advance polling stations	301.15	89
§4.– Voting by electors at their domiciles	301.19	90
Division III		
Polling day		91
§1.– Preparation for the poll		91
- Polling stations	302	91
- Polling officers	308	92
- Representatives	316	95
- Poll runners	318	95
- Ballot papers and ballot boxes	320	95
§2.– The vote		97
- Preliminary formalities	328	97
- Polling hours	333	98
- Verification of identity of electors	335.1	98
- Exercise of the right to vote	336	100
- Secrecy of voting	355	104
§3.– Procedings after the vote		104
- Place where votes are counted	360	104
- Counting of votes on ballot papers placed in a ballot box	361	105
- Counting of votes on ballot papers received in envelopes	370.3	107
§4.– Addition of votes	371	109
Division IV		
Declaration of election and publication of the results	377	110
Division V		
Judicial recount	382	111

	section	page
Chapter VI		
Control of election expenses		114
Division I		
Election expenses	401	114
Division II		
Return of election expenses	432	122
Division III		
Advance on the reimbursement of election expenses	449	126
Division IV		
Reimbursement of election expenses	457	127
Division V		
Expenses of private intervenors	457.2	128
TITLE V		
CONTESTATION OF ELECTIONS	458	132
TITLE VI		
ELECTORAL ORGANS		136
Chapter I		
The Chief Electoral Officer		136
Division I		
Appointment	478	136
Division II		
Functions and powers	485	137
Division III		
The personnel of the Chief Electoral Officer	495	140
Chapter II		
The returning officer	502	142

	section	page
Chapter III		
Advisory committee	514	143
Chapter IV		
Commission de la représentation		145
Division I		
Composition of the Commission	524	145
Division II		
Functions and powers	532	146
Division III		
Organization of the Commission	533	146
Chapter V		
Annual report and financial provisions	541	148
TITLE VII		
REGULATIONS	549	149
TITLE VIII		
PENAL PROVISIONS	551	150
TITLE IX		
AMENDMENTS AND MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS		158
Chapter I		
Miscellaneous provisions	570	158
Chapter II		
Transitional provisions	574	159
Chapter III		
Amendments and final provisions	581	160

	section	page
Electoral division of Îles-de-la-Madeleine	Schedule I	164
Oath of office	Schedule II	165
Ballot paper	Schedule III	166
Ballot paper for electors outside Quebec	Schedule IV	167
Referendum Act	Schedule V	168

WARNING

Until the regulation determining the documents provided for in sections 206, 271 and 283 is approved in accordance with section 550 of the Election Act (R.S.Q., chapter E-3.3), the documents are determined by the Chief Electoral Officer to allow the carrying out of the provisions enacted by this Act.

_____

2006, c. 17, s. 34.

Until the Voting Regulation (2004, G.O. 2, 1310) is amended in accordance with section 550 of the Election Act (R.S.Q., chapter E-3.3), the forms prescribed by that regulation are adapted by the Chief Electoral Officer to reflect the provisions of this Act.

_____

2006, c. 17, s. 35.

Chapter E-3.3

ELECTION ACT

TITLE I

ELECTORS

CHAPTER I

QUALIFIED ELECTORS

Qualification.

1. Every person who

(1) has attained eighteen years of age;

(2) is a Canadian citizen;

(3) has been domiciled in Québec for six months;

(4) is not under curatorship; and

(5) is not deprived of election rights, pursuant to this Act or the Referendum Act (chapter C-64.1), is a qualified elector.

Domicile.

The domicile of a person is the domicile established under the Civil Code.

1989, c. 1, s. 1; 1992, c. 38, s. 1; 1995, c. 23, s. 5; 1997, c. 8; s. 1; 2006, c. 17, s. 1.

Right to vote.

2. To exercise his right to vote, a person must be a qualified elector on polling day and his name must be entered on the list of electors of the polling subdivision in which his domicile is situated on Tuesday of the second week preceding that of the poll.

1989, c. 1, s. 2; 1995, c. 23, s. 6.

Temporary domicile.

3. An elector who temporarily leaves his domicile to work or to study in another electoral precinct may be considered to be domiciled either in the polling subdivision of his domicile or in that where he resides for the purposes of his work or studies.

Hospital. An elector living in a facility maintained by an institution which operates a hospital centre, a residential and long-term care centre or a rehabilitation centre within the meaning of the Act respecting health services and social services (chapter S-4.2) or a hospital centre or reception centre within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5) may be considered to be domiciled either in his domicile or in that facility or centre.

Temporary domicile. An elector who leaves his domicile temporarily to receive health care, to undergo a rehabilitation program or to ensure his safety or the safety of his children may be considered to be domiciled either in the polling subdivision of his domicile or in the polling subdivision where he resides for any such purpose.

Domicile of candidate. A candidate having filed a nomination paper in accordance with section 237 who is running in an electoral division other than that in which the candidate is domiciled may choose to be considered as domiciled in the polling subdivision in which the candidate's main office for the purposes of the election is located.

Choice of domicile. An elector to whom any of the preceding paragraphs apply is deemed to choose to be considered to be domiciled where he resides or, in the case of the fourth paragraph, where his main office is situated instead of his domicile if, at the time of the revision of the list of electors carried out during an election period, he files an application to that effect.

1989, c. 1, s. 3; 1992, c. 21, s. 157; 1994, c. 23. s. 23; 1995, c. 23, s. 7; 1998, c. 52, s. 1; 2006, c. 17, s. 36.

Partisan work. **4.** The chief electoral officer, the judges of the courts of justice, the Public Protector, the Auditor General and the members of the Commission de la représentation shall not engage in partisan work.

1989, c. 1, s. 4.

CHAPTER II

Repealed, 1995, c. 23, s. 8.

5-13. *(Repealed).*

1995, c. 23, s. 8.

TITLE II

ELECTORAL REPRESENTATION

CHAPTER I

ELECTORAL DIVISIONS

Electoral divisions. **14.** Québec shall be divided into electoral divisions delimited in such a way as to ensure that the principle of effective representation of electors is respected.

Boundaries.

Electoral divisions, numbering not fewer than 122 nor more than 125, shall be delimited taking into account the principle that the vote of each elector is of equal weight.

1989, c. 1, s. 14; 1991, c. 48, s. 1.

Natural community.

15. An electoral division represents a natural community established on the basis of demographical, geographical and sociological considerations, such as the population density, the relative growth rate of the population, the accessibility, area and shape of the region, the natural local boundaries and the territories of local municipalities.

1989, c. 1, s. 15; 1996, c. 2, s. 662.

Boundaries.

16. The boundaries of each electoral division shall be delimited in such a way that the number of electors in a division, according to the permanent list of electors, does not deviate by more than 25% from the quotient obtained by dividing the total number of electors by the number of electoral divisions.

1989, c. 1, s. 16; 1995, c. 23, s. 9; 1997, c. 8, s. 2.

Exceptions.

17. The Commission de la représentation may, for exceptional reasons, depart from the rule set out in section 16 if it considers that its application would not adequately serve the purpose of this chapter. Every such decision shall be in writing and give reasons.

Îles-de-la-Madeleine.

Notwithstanding section 16, the Îles-de-la-Madeleine described in Schedule I are an electoral division.

1989, c. 1, s. 17; 1991, c. 48, s. 2; 1992, c. 38, s. 8.

Name of electoral division.

18. The Commission shall assign a name to each electoral division delimited by it, after consulting the Commission de toponymie established under the Charter of the French language (chapter C-11).

1989, c. 1, s. 18.

New boundaries.

19. The Commission shall make a new delimitation of the electoral divisions after the second general election following the last delimitation.

1989, c. 1, s. 19; 1991, c. 48, s. 3.

20-21. *(Repealed).*

1991, c. 48, s. 4.

Report.

22. Within the twelve months following the election referred to in section 19, the Commission shall submit to the President or the Secretary General of the National Assembly a preliminary report in which it proposes a new delimitation of the electoral divisions.

Tabling of report.

The report shall be made public immediately. The President of the National Assembly shall table the report in the National Assembly within 15 days of receiving it if it is sitting or, if it is not, within 15 days after the opening of the next session or resumption.

1989, c. 1, s. 22; 1991, c. 48, s. 5.

Proposed boundaries.

23. The Commission shall take the necessary steps to ensure the best possible diffusion of the proposed boundaries of the electoral divisions submitted in its preliminary report.

1989, c. 1, s. 23.

Representations of Members.

24. Within six months following the tabling of its preliminary report, the Commission shall hear the representations made by the Members of the National Assembly and by interested individuals and organizations.

Public hearings.

For that purpose, the Commission shall, after giving notice thereof, hold public hearings in the various regions of Québec.

1989, c. 1, s. 24; 2001, c. 13, s. 1.

Public hearings.

24.1. After holding consultations pursuant to section 24, the Commission may, if it considers it necessary and after giving notice thereof, hold public hearings in one or more of the regions of Québec to hear representations made by the Members of the National Assembly and by interested individuals and organizations concerning one or more of the proposed amendments to its preliminary report.

Additional period.

The Commission shall in that case be granted an additional period of four months after the expiry of the period provided for in section 24.

2001, c. 13, s. 2.

Preliminary report.

25. The preliminary report of the Commission and, where applicable, any amendment proposed by the Commission shall be submitted to the Committee on the National Assembly for examination.

Debates.

For the purposes of such examination, all the Members of the National Assembly may take part in the debates of the Committee on the National Assembly.

1989, c. 1, s. 25; 2001, c. 13, s. 3.

Information.

26. When the Committee on the National Assembly examines the preliminary report and, where applicable, any proposed amendments referred to in section 25, the Commission shall furnish it with all the required documents and information and be at its disposal to assist it in carrying out its work.

1989, c. 1, s. 26; 2001, c. 13, s. 4.

27. *(Repealed).*

2001, c. 13, s. 5.

Boundaries of electoral divisions.

28. After considering the representations made to it by the Members of the National Assembly, and by individuals and organizations, the Commission shall submit a report indicating the boundaries of the electoral divisions to the President or the Secretary General of the National Assembly, who shall table it before the Assembly.

Length of debate.

Within five days following the tabling, the report shall be the subject of a debate limited to five hours carried on in one sitting or two consecutive sittings of the National Assembly; if it is not sitting, the debate, subject to the same time limits, shall take place in the Committee on the National Assembly, within ten days from the tabling of the report contemplated in the first paragraph, and all the Members may take part in the debate in respect of the report.

Motions.

No motion, except a motion of adjournment, may be presented during the debate.

1989, c. 1, s. 28.

Names of electoral divisions.

29. Not later than the tenth day following the debate, the Commission shall establish the boundaries of the electoral divisions and assign names to them.

Publication of list.

The Commission shall publish the list of the electoral divisions in the *Gazette officielle du Québec*, indicating the name and boundaries of each; it may also mention the local municipalities whose territories are comprised in each electoral division and, where applicable, the unorganized territories and Indian reserves comprised therein.

1989, c. 1, s. 29; 1996, c. 2, s. 663.

Proof.

30. Publication of the list of electoral divisions in the *Gazette officielle du Québec* is absolute proof of its existence and of its content, and every person is required to take cognizance of it.

Public information.

Notwithstanding the foregoing, the Commission shall take the necessary steps to ensure the best possible diffusion among the public of the boundaries of the electoral divisions, and particularly of the changes made in relation to the previous boundaries.

1989, c. 1, s. 30.

Map.

31. After publication in the *Gazette officielle du Québec* of the list of electoral divisions, the Commission shall cause a map of the divisions to be printed.

1989, c. 1, s. 31.

Coming into force.

32. The list of electoral divisions published in the *Gazette officielle du Québec* comes into force upon the dissolution of the National Assembly, unless the dissolution occurs before the expiry of three months from publication.

1989, c. 1, s. 32.

Returning officers.

33. Upon publication in the *Gazette officielle du Québec* of the list of electoral divisions, the chief electoral officer shall assign one of the divisions to each returning officer in office and appoint a returning officer to each unassigned division, if any.

Appointments.

Appointments made under this section are effective until new returning officers are appointed in conformity with section 503.

1989, c. 1, s. 33.

CHAPTER II

ELECTORAL PRECINCTS AND POLLING SUBDIVISIONS

Boundaries.

34. Within three months after the publication of the list of electoral divisions in the *Gazette officielle du Québec*, the chief electoral officer and the returning officers shall establish the boundaries of the electoral precincts and the polling subdivisions on the basis of the new electoral divisions.

1989, c. 1, s. 34.

Responsibilities of returning officer.

35. The returning officer, under the authority of the chief electoral officer, is responsible, in the electoral division to which he is appointed, for the establishment

(1) of polling subdivisions comprising not over 350 electors;

(2) of electoral precincts, comprising approximately ten polling subdivisions, which respect, so far as possible, natural local boundaries and the territories of local municipalities and Indian reserves, and include not more than one such territory or reserve.

1989, c. 1, s. 35; 1995, c. 23, s. 10; 1996, c. 2, s. 664.

Index of thoroughfares.

36. On the basis of the description of the boundaries of the electoral precincts and polling subdivisions, the chief electoral officer shall prepare an index of the streets, avenues, boulevards, hills, squares, lanes, ranges or other thoroughfares in each electoral division.

1989, c. 1, s. 36.

Transmission to authorized parties.

37. The chief electoral officer shall transmit the description of the boundaries of the electoral precincts and polling subdivisions and an index of the thoroughfares in an electoral division to the authorized parties who apply therefor, to every authorized party authority at the level of the electoral division and to the independent Member for the division, where such is the case.

1989, c. 1, s. 37.

Map.

38. The chief electoral officer may prepare a map of each electoral division, indicating the electoral precincts and polling subdivisions comprised in it.

1989, c. 1, s. 38.

CHAPTER II.1

TRANSMISSION OF LIST FOLLOWING A NEW DELIMITATION

List of electors.

38.1. Within 30 days after the expiry of the time limit provided in section 34, the chief electoral officer shall transmit the list of the electors whose names are entered on the permanent list of electors on the basis of the new delimitation of electoral divisions to the authorized parties represented in the National Assembly and to any other authorized party that so requests.

2001, c. 72, s. 1.

List of electors.

38.2. In addition to the transmission provided for in section 40.38.1, the chief electoral officer shall, between 1 October and 1 November each year, transmit the list of the electors whose names are entered on the permanent list of electors on the basis of the new delimitation of electoral divisions to the authorized parties represented in the National Assembly and to any other authorized party that so requests.

2001, c. 72, s. 1.

Exception.

38.3. At the times stated in sections 38.1 and 38.2, a Member may request the chief electoral officer to transmit to the Member the list of the electors whose names are entered on the permanent list of electors on the basis of the new delimitation of electoral divisions in respect of a single electoral division resulting from the new delimitation among the divisions that include all or part of the division represented by the Member.

2001, c. 72, s. 1.

Provisions applicable.

38.4. If the transmission under section 38.1 is effected after 1 September, no transmission is effected pursuant to section 38.2 between 1 October and 1 November of the same year.

2001, c. 72, s. 1.

38.5. The last paragraph of section 40.38.1 and sections 40.38.2 and 40.38.3, with the necessary modifications, apply in respect of this chapter.

2001, c. 72, s. 1.

CHAPTER III

Repealed, 1995, c. 23, s. 11.

39-40. *(Repealed).*

1995, c. 23, s. 11.

TITLE II.1

PERMANENT LIST OF ELECTORS

CHAPTER I

DESCRIPTION

Contents. **40.1.** The permanent list of electors consists of the information contained in the register of electors and the register of territories.

1995, c. 23, s. 12.

Register of electors. **40.2.** The information contained in the register of electors shall include the name, domiciliary address, sex and date of birth of each elector and, where applicable, entries relating to the exercise of his right to vote outside Québec.

Category of school board. The information shall in addition specify, for the purposes of the Act respecting school elections (chapter E-2.3), the category of school board, French language or English language, at which the elector's right to vote is to be exercised and whether the information relates of a person referred to in the first or in the second paragraph of section 11.1 of the said Act.

1995, c. 23, s. 12; 1999, c. 25, s. 85; 2000, c. 59, s. 8.

Register of territories. **40.3.** The information contained in the register of territories shall include

(1) for the purposes of this Act and the Referendum Act (chapter C-64.1), the description of electoral divisions, electoral precincts and polling subdivisions;

(2) for the purposes of the Act respecting elections and referendums in municipalities (chapter E-2.2), the electoral districts or the wards of the municipalities to which Title I of that Act applies or the entire territory of any such municipality whose territory is not divided for electoral purposes;

(3) for the purposes of the Act respecting school elections (chapter E-2.3), the electoral divisions and the sectors.

1995, c. 23, s. 12; 2002, c. 10, s. 99.

CHAPTER II

ENTRY ON THE LIST AND UPDATING

Qualified electors.

40.3.1. The name of every person who is a qualified elector within the meaning of section 1 may be entered on the permanent list of electors.

1997, c. 8, s. 4.

Information relating to electors.

40.4. The information relating to electors shall be updated on the basis of the information transmitted to the chief electoral officer by electors and on the basis of the information transmitted by the Régie de l'assurance maladie du Québec, the school boards, the Public Curator and the Department of Citizenship and Immigration of Canada in the manner determined in an agreement entered into with the chief electoral officer, in accordance with the provisions of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

Information relating to electors.

The information shall also be updated on the basis of the changes transmitted by returning officers or by the person responsible for a municipal or school poll following the revision of a list of electors or referendum list and of any verification of the permanent list of electors carried out under section 40.11 or on the basis of the changes made by the permanent board of revisors established under section 40.12.1.

1995, c. 23, s. 12; 1997, c. 8, s. 5; 1999, c. 15, s. 1; 2000, c. 59, s. 9; 2002, c. 10, s. 100.

Responsibility of elector.

40.5. Each elector is responsible for communicating to the chief electoral officer any change in the information entered in his respect on the permanent list of electors.

1995, c. 23, s. 12.

Corrections.

40.6. An elector may, at any time, request that his name be entered on or struck off the permanent list of electors, or that any information entered in his respect be corrected.

Documents.

Two documents of the type determined by the chief electoral officer must be joined to the request in support of the information communicated.

1995, c. 23, s. 12.

Restriction.

40.6.1. An elector may request that the entry of his name on the permanent list of electors be considered for the purposes of provincial, municipal or school elections only.

1997, c. 8, s. 6.

One entry per elector.

40.6.2. Before entering the name of an elector at the elector's request, the chief electoral officer shall make sure that the name of the elector is not already entered on the permanent list of electors.

1997, c. 8, s. 6.

Notice of change.

40.7. The chief electoral officer shall obtain from the Régie de l'assurance maladie du Québec notice of any change in the name, address, date of birth or sex of a person whose name is entered on the permanent list of electors established under section 40.1, and of the date of the person's death, where applicable. The chief electoral officer shall also obtain from the Régie the name, address, date of birth and sex of each person of full age who has informed the Régie that he has acquired Canadian citizenship or has stated, on registering for the first time with the Régie, that he holds Canadian citizenship. The chief electoral officer shall obtain the same information concerning every person who is about to reach 18 years of age, at least six months before the person's eighteenth birthday.

Vérification of information.

Where the Régie de l'assurance maladie du Québec has been unable to identify an elector whose name is entered on the list of electors in its own file of beneficiaries, the chief electoral officer may communicate with the elector concerned to verify the accuracy of the information concerning the elector and may request that the elector correct or complete the information where necessary.

1995, c. 23, s. 12; 1997, c. 8, s. 7

School elections.

40.7.0.1 The chief electoral officer shall obtain from the school boards, in accordance with section 11.2 of the Act respecting school elections, the name, date of birth, sex and domiciliary address of the persons referred to in section 11.1 of the said Act.

2000, c. 59, s. 10.

Public Curator.

40.7.1. The chief electoral officer shall obtain from the Public Curator the name, date of birth and sex of any person in whose favour curatorship is instituted.

1997, c. 8, s. 8; 2001, c. 2, s. 1.

Department of Citizenship and Immigration of Canada.

40.8. The chief electoral officer shall obtain from the Department of Citizenship and Immigration of Canada the name, address, date of birth and sex of any person of full age domiciled in Québec who acquires Canadian citizenship.

1995, c. 23, s. 12.

Name of elector.

40.9. The name of every person of full age having informed the Régie de l'assurance maladie du Québec that he has acquired Canadian citizenship, having registered with the Régie for the first time as a Canadian citizen or having been identified by the Department of Citizenship and Immigration of Canada as a new Canadian citizen shall be entered on the permanent list of electors by the chief electoral officer. The chief electoral officer shall notify the elector in writing that his name has been entered on the permanent list of electors, requesting the elector to correct or complete the information which concerns him, where required.

Confirmation.

If the notice is returned to the chief electoral officer without having reached the addressee or if the chief electoral officer is notified by the person that he cannot or does not wish to be entered on the permanent list of electors, the person's name shall be struck off the list.

1995, c. 23, s. 12; 1998, c. 52, s. 2.

Notice of entry.

40.9.1. After receiving information from the Régie de l'assurance maladie du Québec concerning a person who has reached or is about to reach 18 years of age, the chief electoral officer shall advise the person in writing that he will be entered on the permanent list of electors, unless the chief electoral officer is advised by the person that he cannot or does not wish to be so entered.

Notice returned.

However, no entry shall be made if the notice is returned to the chief electoral officer without having reached the addressee.

1998, c. 52, s. 2.

Confirmation.

40.10. Before incorporating into the permanent list of electors any change made to a municipal or school list of electors or referendum list following its revision, the chief electoral officer may contact the elector concerned for confirmation of the change he intends to incorporate.

1995, c. 23, s. 12; 2002, c. 10, s. 101.

Striking off.

40.10.1. The chief electoral officer shall strike off the permanent list of electors the name of any person in whose respect he receives a confirmation of death or of institution of curatorship and the name of any person deprived of his election rights pursuant to this Act or the Referendum Act.

1997, c. 8. s. 9.

Retention of information.

40.10.2. The chief electoral officer shall retain the information relating to an elector in whose respect he receives a confirmation from a board of revisors that the elector's name has been struck off the list of electors on the ground that the elector is not domiciled at the address for which his name has been entered.

Retention period.

The information shall be retained for a maximum period of five years or until the chief electoral officer obtains confirmation of the elector's new domiciliary address, in which case the elector's name shall be re-entered on the permanent list of electors opposite the new address.

1997, c. 8, s. 9.

Enumeration or an *ad hoc* revision.

40.11. An enumeration or an *ad hoc* revision, or the implementation of any other measure allowing a total or partial verification of the permanent list of electors, may be ordered by the Government on the recommendation of the parliamentary committee having examined the report of the chief electoral officer pursuant to section 542.1.

Election order or referendum writ.

The issue of an order or writ instituting an election or referendum ends any verification in progress in the electoral division concerned, except in the case of an enumeration. In that case, the enumeration shall continue and the name of every person who is a qualified elector on polling day may be entered on the list of electors for the polling subdivision in which the person is domiciled.

1995, c. 23, s. 12; 1999, c. 15, s. 2.

Information relating to territories.

40.12. The information relating to territories shall be updated on the basis of the changes made to the descriptions of electoral divisions, electoral precincts and polling subdivisions.

Information relating to territories.

The information shall also be updated on the basis of the changes made to the descriptions of the electoral territories of municipalities and school boards and transmitted to the chief electoral officer by the municipalities and school boards on the conditions he determines.

1995, c. 23, s. 12.

CHAPTER II.1

PERMANENT REVISION

DIVISION I

ESTABLISHMENT AND ORGANIZATION OF PERMANENT BOARD OF REVISORS

Permanent board of revisors.

40.12.1. To ensure that the permanent list of electors is updated on a continuous basis, the chief electoral officer shall establish a permanent board of revisors within the chief electoral officer's office.

1999, c. 15, s. 3.

Composition.

40.12.2. The permanent board shall be composed of three members, including the chairman, appointed by the chief electoral officer.

Chairman. The chairman may be chosen from among the chief electoral officer's personnel.

Members. The other two members shall be chosen from among two lists of at least five names transmitted to the chief electoral officer respectively by the leader of the party having had the greatest number of candidates elected in the last general election and by the leader of the party having had the second greatest number of candidates elected in that election, or by the person designated in writing for such purpose by either leader.

Transmission of lists. The lists must be transmitted to the chief electoral officer within six months after the publication of the notice referred to in section 380 following a general election.

1999, c. 15, s. 3.

Refusal. **40.12.3.** The chief electoral officer may, on reasonable grounds, refuse a list that has been transmitted to him. In such a case, the chief electoral officer shall request a new list.

Appointment. Failing a list, the chief electoral officer shall make the appointment without further formalities.

1999, c. 15, s. 3.

Substitute. **40.12.4.** If a member of the permanent board is absent or unable to act, the chief electoral officer shall appoint a substitute. Sections 40.12.2 and 40.12.3 apply to the appointment with the necessary modifications.

1999, c. 15, s. 3.

Term. **40.12.5.** The members of the permanent board shall be appointed for a term not exceeding five years.

1999, c. 15, s. 3.

Remuneration. **40.12.6.** The tariff of remuneration and expenses of permanent board members shall be fixed by government regulation.

1999, c. 15, s. 3.

Sittings. **40.12.7.** The chairman of the permanent board shall convene the board whenever the chairman considers it appropriate.

1999, c. 15, s. 3.

Sittings. **40.12.8.** The permanent board shall sit in Québec or Montréal, at the office of the chief electoral officer.

Sittings. On the authorization of the chief electoral officer, the board may sit at any other place.

1999, c. 15, s. 3.

Quorum. **40.12.9.** The quorum of the permanent board is two members.

Decisions. Decisions are made by a majority vote. In case of a tie, the chairman has a casting vote.

1999, c. 15, s. 3.

Recusation. **40.12.10.** A member of the permanent board must, on pain of forfeiture of office, abstain from participating in any deliberation or decision concerning which any of the grounds for recusation, with the necessary modifications, listed in articles 234 and 235 of the Code of Civil Procedure (chapter C-25) could be invoked in the member's regard. Moreover, the member must withdraw from the sitting for the duration of the deliberations and the vote relating to such matter.

1999, c. 15, s. 3.

Personnel. **40.12.11.** The chief electoral officer shall place at the disposal of the permanent board the personnel necessary for the exercise of the board's functions.

Revising officers. After consulting the chairman of the permanent board and as needed, the chief electoral officer shall request returning officers to appoint a sufficient number of teams of two revising officers.

Provisions applicable. The provisions of this Act applicable to revising officers during an election period apply with the necessary modifications to revising officers assigned to the permanent board.

1999, c. 15, s. 3.

DIVISION II

REVISION PROCESS

Updating of permanent list of electors. **40.12.12.** The permanent board shall decide the cases submitted to it by the chief electoral officer concerning the updating of the permanent list of electors.

1999, c. 15, s. 3.

Provisions applicable. **40.12.13.** Sections 211 and 213 to 216.1 apply with the necessary modifications to the exercise of the functions of the permanent board.

1999, c. 15, s. 3.

Notice. **40.12.14.** Before striking off or refusing to enter a person's name, the permanent board must, unless the person is present, convene the person by way of a written notice stating the grounds for the decision it intends to make and allow the person to present observations within 20 days.

Service. The notice must be served by registered or certified mail or by the revising officers on the person concerned or, if it cannot be served, it must be left at or sent to the address entered on the permanent list of electors or at any other place where the permanent board or the revising officers have reason to believe the person may be reached.

Certificate. A certificate of the service shall be drawn up by the sender or by the revising officers in the prescribed form and returned to the permanent board.

1999, c. 15, s. 3; 2001, c. 72, s. 2.

Exception. **40.12.15.** Notwithstanding section 40.12.14, the permanent board is not required to send a written notice if the person concerned has met with the revising officers and confirmed to them that he is not a qualified elector, if the board has been informed by a person living at the address for which the name of the person concerned is entered on the permanent list of electors that the person concerned is no longer domiciled at that place or if the permanent board is satisfied, on the basis of the evidence presented to it, that the person is under curatorship or is dead.

1999, c. 15, s. 3; 2001, c. 72, s. 3.

Notice. **40.12.16.** If the person to whom a notice is served requests to appear before the permanent board, the permanent board shall convene the person by means of a notice in writing of at least 10 clear days.

Service. The notice shall be served in one of the manners provided for in section 40.12.14.

Minimum travelling. The permanent board shall, upon convening a person who lives a great distance away, endeavour to keep the travelling involved to a minimum.

1999, c. 15, s. 3; 2001, c. 72, s. 4.

Notice of decision. **40.12.17.** Whenever the permanent board makes a decision in the absence of the elector concerned, it shall immediately notify the elector of its decision in writing.

Notice. The notice must state the grounds for the decision and describe the procedure whereby the elector may apply to the board for a revision of the decision. The notice must also indicate that the elector has 20 days to file an application for revision. The notice shall be served in one of the manners provided for in section 40.12.14.

1999, c. 15, s. 3; 2001, c. 72, s. 5.

Delegation of representatives. **40.12.18.** Any party represented in the National Assembly other than those referred to in section 40.12.2 may delegate a representative recognized by the chief electoral officer to the sittings of the permanent board.

Representatives. Such a representative may take part in the deliberations of the permanent board, but is not entitled to vote. The tariff provided for in section 40.12.6 applies to such a representative.

1999, c. 15, s. 3.

Decisions.

40.12.19. The permanent board shall advise the chief electoral officer of its final decisions immediately and the chief electoral officer shall forthwith correct the permanent list of electors accordingly.

1999, c. 15, s. 3.

DIVISION III

SUSPENSION OF PROCEEDINGS AND END OF TERM

By-election order.

40.12.20. The issue of an order instituting a by-election suspends the proceedings of the permanent board in respect of the electoral division concerned until the date of publication of the notice referred to in section 380.

1999, c. 15, s. 3.

Referendum writ.

40.12.21. The issue of a writ instituting a referendum suspends the proceedings of the permanent board until the date of publication of the notice referred to in section 380 of Appendix 2 to the Referendum Act (chapter C-64.1).

1999, c. 15, s. 3.

Regular election, by-election.

40.12.22. From 1 September of the calendar year in which a regular election is to be held under the Act respecting elections and referendums in municipalities (chapter E-2.2) or, in the case of a by-election, from the date of publication of a public notice of election, the proceedings of the permanent board are suspended in respect of the territory concerned until the date of publication of the notice referred to in section 260 of that Act.

Referendum.

In the case of a referendum under that Act, the proceedings of the permanent board are suspended, in respect of the territory concerned, from the date on which the chief electoral officer transmits to the clerk or the secretary-treasurer a list of the electors whose names are entered on the permanent list of electors until

(1) the date of the sitting referred to in the third paragraph of section 532 of that Act, the date of the reading referred to in section 556 of that Act or the date of publication of the notice referred to in the second paragraph of section 559 of that Act, if no referendum is held; or

(2) the date of the tabling of the statement of the final results referred to in section 578 of that Act, if a referendum is held.

1999, c. 15, s. 3.

Publication of public notice.

40.12.23. The publication of the public notice referred to in section 51 of the Act respecting school elections (chapter E-2.3) suspends the proceedings of the permanent board in respect of the territory concerned until the date of publication of the notice referred to in section 163 of that Act.

Filing of list of electors.

The filing of the list of electors pursuant to section 347 of the Education Act (chapter I-13.3) suspends the proceedings of the permanent board in respect of the territory concerned until the date of the tabling provided for in section 351 of that Act.

1999, c. 15, s. 3; 2002, c. 10, s. 102.

Termination.

40.12.24. The issue of an order instituting a general election terminates the term of office of the members of the permanent board, notwithstanding any other termination date indicated in their instrument of appointment.

1999, c. 15, s. 3.

CHAPTER III

VERIFICATION

DIVISION I

ENUMERATION OF ELECTORS

Qualified electors.

40.13. Every person who is a qualified elector on the last day of an enumeration of electors may be registered during that enumeration.

1995, c. 23, s. 12.

Enumerators.

40.14. The enumeration of electors shall be conducted in each polling subdivision by a team of two enumerators.

Two or more teams.

The returning officer may, however, assign two or more teams of two enumerators to conduct the enumeration in a polling subdivision comprising more than 350 electors.

1995, c. 23, s. 12.

Appointment of enumerators.

40.15. The two enumerators forming an enumeration team shall be appointed by the returning officer, one on the recommendation of the authorized party that ranked first in the last election or of the independent Member who was elected as such, and the other on the recommendation of the authorized party that ranked second in the last election.

1995, c. 23, s. 12.

Decision of chief electoral officer.

40.16. In a new electoral division, an electoral division the boundaries of which have changed since the last election or an electoral division in which no authorized party ranked second in the last election, the chief electoral officer shall decide, according to the criteria prescribed by regulation, which parties or independent Members are entitled to make recommendations under section 40.15.

1995, c. 23, s. 12.

Recommendations.

40.17. The recommendations are made by the leader of the party or the independent Member, as the case may be, or by the person designated in writing by him for that purpose.

1995, c. 23, s. 12.

Final date for recommendations.

40.18. The recommendations must be received by the returning officer not later than Tuesday of the week preceding that of the enumeration.

Refusal.

The returning officer may, on reasonable grounds, refuse a recommendation. In such a case, he shall request a new recommendation.

Appointment.

Where no recommendation has been received, or where the person recommended is not qualified to hold the office, the returning officer shall make the appointment without any other formality.

1995, c. 23, s. 12.

List of enumerators.

40.19. The returning officer shall post, in his office, the list of enumerators appointed by him and transmit it to the authorized parties represented in the National Assembly and to the independent Member, if any. He shall inform them without delay of changes made to the list.

1995, c. 23, s. 12.

Directives and materials.

40.20. Not later than the day preceding the first day of the enumeration, the returning officer shall give enumerators the chief electoral officer's directives concerning the procedure to be followed during the enumeration, the required materials, and a badge in the form prescribed by regulation that must be worn conspicuously by each enumerator at all times while conducting an enumeration.

Name and address of enumerators.

In addition, the returning officer shall inform each enumerator of the name and address of the other enumerator in his enumeration team.

1995, c. 23, s. 12.

Joint work.

40.21. The enumerators in an enumeration team shall work together; in no case may they act individually.

Disagreement.

In the event of disagreement, the matter shall be submitted to the returning officer, who shall decide it immediately; the enumerators are bound by the decision.

1995, c. 23, s. 12.

Hours.

40.22. The enumerators shall visit every dwelling situated in the polling subdivision assigned to them at least twice, once between 9 a.m. and 6 p.m. and once between 6 p.m. and 9 p.m. on a different day, unless they are certain of having registered, on their first visit, every person who is a qualified elector.

Second visit.

At each dwelling at which they receive no response on their first visit, the enumerators shall leave a card giving the date and time of their second visit.

1995, c. 23, s. 12.

Request for entry.

40.23. The name of an elector may not be entered by the enumerators unless the entry is requested at the elector's domicile by the elector himself or, if the elector is absent or unable to act, by any person present and who is a qualified elector.

1995, c. 23, s. 12; 1999, c. 40, s. 116.

Conditions of entry.

40.24. Before entering a person's name, the enumerators shall verify whether, on the last day of the enumeration, the person holds Canadian citizenship, is 18 years of age or over and has been domiciled in Québec for at least six months.

Proof of age and citizenship.

For that purpose, an enumerator may request proof of the age and citizenship of the person the entry of whose name is requested in the form of one of the following identification documents: a birth certificate, a citizenship certificate or a Canadian passport.

1995, c. 23, s. 12.

Enumeration slips.

40.25. The enumerators shall enter on an enumeration slip the name, address, sex and date of birth of every person domiciled at that address who is a qualified elector on the last day of the enumeration. They shall complete an enumeration slip for each elector.

1995, c. 23, s. 12; 1999, c. 25, s. 86

Refusal of entry prohibited.

40.26. The enumerators may not refuse to enter the name of an elector on the grounds that they were unable to note his date of birth or that no identification document was presented despite a request therefor made in accordance with the second paragraph of section 40.24.

1995, c. 23, s. 12.

Declaration.

40.27. Every person who requests the entry of his name or who requests the entry of the name of another person must declare, by signing the enumeration slip, that the information provided is, to his knowledge, true and accurate.

Inability to sign.

A person who is unable or who refuses to sign the enumeration slip must, before the entry can be made, declare that the information provided is, to his knowledge, true and accurate; the enumerators shall record the fact on the enumeration slip.

1995, c. 23, s. 12.

Copy.

40.28. The enumerators shall sign the enumeration slip and leave a copy at the domicile of the elector whose name has been entered.

1995, c. 23, s. 12.

Report to the returning officer.

40.29. If one of the enumerators, after entering the name of a person, has reasonable grounds to believe that the person is not entitled to have his name entered, he shall make a report to the returning officer in the prescribed manner.

1995, c. 23, s. 12.

List.

40.30. The enumerators shall prepare a list of the dwellings that were vacant, the places where persons refused to have their names entered, the places where not all the residents were qualified electors and the places where, after two visits, they obtained no response.

Transmission to returning officer.

They shall give the list to the returning officer at the end of the enumeration.

1995, c. 23, s. 12.

Enumeration procedure.

40.31. The returning officer may establish a procedure for enumerating persons domiciled or lodged in a place described in section 135.1 with the executive director, owner, manager, operator or person in charge of that place in order to ensure that they are registered on the list of electors.

Access.

The procedure must, in particular, ensure that the enumerators have access to those persons.

1995, c. 23, s. 12; 2006, c. 17, s. 5.

Access.

40.32. The executive director, owner, manager, operator, superintendent, caretaker or person in charge of a place described in section 135.1 must allow and facilitate access to the premises by the enumerators.

1995, c. 23, s. 12; 2006, c. 17, s. 6.

Return of enumeration slips.

40.33. The enumerators shall, not later than the last day of the enumeration, return all the enumeration slips they have completed and any report made pursuant to section 40.29 to the returning officer or to the person designated by the returning officer, according to the procedure determined by the returning officer.

1995, c. 23, s. 12.

Computerization.

40.34. The returning officer shall computerize the information relating to the electors whose names have been entered by the enumerators.

1995, c. 23, s. 12.

Computerized list to chief electoral officer.

40.35. The returning officer shall transmit the computerized list to the chief electoral officer to allow the entries, from all the electoral divisions, that relate to electors with the same name and the same date of birth to be identified.

1995, c. 23, s. 12.

Request for verification.

40.36. Where the chief electoral officer identifies entries relating to two or more electors with the same name and the same date of birth, he shall transmit a request for verification of the entries to the returning officer of each of the electoral divisions concerned, unless he is certain that the entries relate to different electors.

1995, c. 23, s. 12.

List of electors to authorized parties.

40.37. Not later than Tuesday of the week following that of the enumeration, the returning officer shall transmit the list of the electors whose names are entered for each polling subdivision to the authorized parties represented in the National Assembly, to any other authorized party that so requests, and to the independent Member, if any.

Form specified.

The list shall be transmitted in computerized form or in duplicate copies, as specified to the returning officer.

Copy of list.

The returning officer shall transmit, at the same time, a copy of the list made by the enumerators pursuant to section 40.30.

1995, c. 23, s. 12.

DIVISION II

AD HOC REVISION OF THE LIST

Provisions applicable.

40.38. The provisions relating to the production, transmission and revision of the list of electors that are applicable during an election period apply, adapted as required, for the purposes of an *ad hoc* revision of all or part of the permanent list of electors. Sections 220 to 228, however, do not apply to such a revision.

1995, c. 23, s. 12; 1999, c. 15, s. 5; 2006, c. 17, s. 7.

CHAPTER III.1

TRANSMISSION OF THE LIST

Transmission of list.

40.38.1. In January, April and September each year, the Chief Electoral Officer shall transmit the list of the electors registered on the permanent list of electors for the purposes of a provincial poll to the authorized parties represented in the National Assembly, to any other authorized party that so requests and to every Member. However, Members shall only receive the list for the electoral division they represent.

Exception.

No list is to be transmitted during an election or referendum period or within the three months that follow a general election or a referendum.

1998, c. 52, s. 3; 1999, c. 15, s. 6; 2006, c. 17, s. 8.

Computer form. Contents.

40.38.2. The list shall be transmitted in computer form and in duplicate.

The list shall indicate the name, address, date of birth and sex of each elector. In the case of electors who are entitled to vote outside Québec, the list shall also indicate their address outside Québec.

1998, c. 52, s. 3.

Cautionary note. Confidentiality.

40.38.3. The list transmitted shall contain a cautionary note concerning its confidentiality and shall state the penalties applicable to any person who communicates or uses the information contained in the list of electors for purposes other than those provided for by this Act.

The Member or the person designated by a political party to receive the list must undertake in writing to take appropriate measures to protect the confidentiality of the list and to restrict its use to the purposes provided for by this Act.

1998, c. 52, s. 3.

CHAPTER IV

CONFIDENTIALITY

Confidential information.

40.39. Information relating to electors is not public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

1995, c. 23, s. 12.

Documents.

40.40. Documents transmitted in support of information communicated to the chief electoral officer shall be retained only for the time needed for their processing, and shall then be destroyed. However, in the case of original documents, they shall be returned to the elector.

1995, c. 23, s. 12.

Confidentiality.

40.41. No person may use, communicate or allow to be communicated, for purposes other than those provided for in this Act or the Referendum Act (chapter C-64.1), or communicate or allow to be communicated to any person not legally entitled thereto, any information relating to an elector.

1995, c. 23, s. 12.

Confidentiality.

40.42. The chief electoral officer shall not, except with the consent of the person concerned, communicate, or enter into an agreement for the purpose of communicating, personal information contained in the permanent list of electors for purposes other than those provided for in this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2), the Act respecting school elections (chapter E-2.3) or the Jurors Act (chapter J-2) or for purposes other than those provided for in the second paragraph.

Federal poll.

The chief electoral officer may enter into an agreement with the Chief Electoral Officer of Canada to supply him with information contained in the permanent list of electors for the sole purpose of drawing up a list to be used in a federal poll. The agreement must provide for the safety measures that will be taken to ensure the confidentiality of the information transmitted.

Expenses.

The expenses relating to the transmission of such information, established under section 549, shall be charged to the Chief Electoral Officer of Canada.

1995, c. 23, s. 12; 2006, c. 22, s. 177.

TITLE III

AUTHORIZATION AND FINANCING OF POLITICAL PARTIES, INDEPENDENT MEMBERS OF THE NATIONAL ASSEMBLY AND INDEPENDENT CANDIDATES

CHAPTER I

AUTHORIZATION OF POLITICAL PARTIES, PARTY AUTHORITIES, INDEPENDENT MEMBERS OF THE NATIONAL ASSEMBLY AND INDEPENDENT CANDIDATES

DIVISION I

GENERAL PROVISIONS

Authorization of chief electoral officer.

41. Every political party, party authority or independent candidate wishing to solicit or collect contributions or to incur expenses or contract loans shall obtain an authorization from the chief electoral officer in accordance with this chapter.

"independent candidate".

For the purposes of this Act, the expression "independent candidate" includes any person who, at the time of the person's application for authorization, undertakes to run as an independent candidate.

Independent Member.

For the purposes of this Act, an independent Member is a Member of the National Assembly who belongs to no authorized political party.

1989, c. 1, s. 41; 1998, c. 52, s. 5.

Official representative.

42. A party, a party authority or an independent candidate soliciting authorization shall have an official representative designated in writing by the leader of the party or by the person designated in writing by the leader, or by the independent candidate, as the case may be.

1989, c. 1, s. 42; 1992, c. 38, s. 9.

Official representative.

43. Only one official representative shall be appointed for each authorized entity.

Delegates.

The official representative of an authorized party may, however, with the written approval of the leader of the party, appoint not more than one delegate for each electoral division.

Authorized entity.

A political party, a party authority, an independent Member or an independent candidate holding an authorization under this chapter is an authorized entity.

1989, c. 1, s. 43; 1998, c. 52, s. 6.

Authorizations.

44. From the publication of the list of electoral divisions in the *Gazette officielle du Québec*, the chief electoral officer may grant authorizations, taking into account the new electoral divisions.

Delegates.

From the publication referred to in the first paragraph, the official representative of a party may, in accordance with the second paragraph of section 43, appoint a delegate for each of the new electoral divisions.

1989, c. 1, s. 44.

Disqualification.

45. A person cannot be an official representative or delegate if

(1) he is not a qualified elector;

(2) he is a candidate or the leader of a party; or

(3) he is an election officer or an employee of an election officer.

1989, c. 1, s. 45.

Resignation.

46. An official representative or a delegate may resign by sending a written notice to that effect to the chief electoral officer and to the person referred to in section 42.

Financial report.

Within 30 days of resigning, the official representative shall file with the party, the party authority, the independent Member or the independent candidate a financial report, with vouchers, covering the period during which he was in office.

New representative.

Where an authorized entity no longer has an official representative, another official representative shall be designated without delay and the chief electoral officer shall be so informed in writing.

Notice.

The chief electoral officer shall publish, in the *Gazette officielle du Québec*, a notice of the resignation or replacement of an official representative or of a delegate.

1989, c. 1, s. 46; 1992, c. 38, s. 10; 1998, c. 52, s. 7.

DIVISION II

AUTHORIZATION OF A POLITICAL PARTY

Application.

47. A political party applying for authorization must submit with its application to the chief electoral officer the names, addresses, membership card numbers and expiration dates and signatures of at least 100 members of the party who are qualified electors and in favour of the application for authorization.

Required deposit.

The application must also be accompanied with a deposit of $500, refundable upon the filing of the first financial report of the party under section 113 or upon the filing of the closing financial report under section 67.

1989, c. 1, s. 47; 1998, c. 52, s. 8; 2004, c. 36, s. 1.

Name reservation.

47.1. Before filing an application for authorization, a party may reserve a name for a period not exceeding six months by transmitting a written application to that effect to the chief electoral officer.

Provisions applicable.

The second and third paragraphs of section 50 apply to the application, with the necessary modifications.

Change of name.

A party having reserved a name may, however, change the name in its application for authorization.

1998, c. 52, s. 9.

Required information.

48. A party applying for authorization shall furnish the following information to the chief electoral officer:

(1) the name of the party;

(2) the address to which communications intended for the party must be sent;

(3) the addresses where the books and accounts pertaining to contributions the party will receive and the expenses it will incur are to be kept;

(4) the name, address and telephone number of the party's official representative and those of his delegates, if any;

(5) the name, address and telephone number of the leader and of two officers of the party;

(6) the addresses of not more than two permanent offices of the party, where applicable.

1989, c. 1, s. 48; 1998, c. 52, s. 10.

Sworn statement.

49. A party applying for authorization shall also declare, in a sworn statement made by its leader, the amount of the funds at its disposal, and that any money collected by it after 1 April 1978 was collected in accordance with this title.

Sums collected after 1 April 1978.

The party shall remit to the chief electoral officer, together with its application for authorization, any sum of money collected after 1 April 1978 contrary to this title.

Minister of Finance. The chief electoral officer shall remit any sum received under the preceding paragraph to the Minister of Finance.

1989, c. 1, s. 49.

Authorization. **50.** The chief electoral officer shall grant the authorization if the conditions provided in sections 47, 48 and 49 are met.

Refusal. The chief electoral officer shall, however, refuse to authorize a party if the name of the party includes the word "independent".

Refusal. He shall also refuse to authorize a party if the name of the party is substantially the same as that of an authorized party or of a party that has ceased to be an authorized party, and is likely to mislead the electors as to which party they are supporting.

1989, c. 1, s. 50; 1992, c. 38, s. 11.

Change of name. **51.** An authorized party wishing to change its name shall, through its leader, apply therefor in writing to the chief electoral officer.

Resolution. The application must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party and certified by two or more officers of the party.

Applicable provisions. The provisions of the second and third paragraphs of section 50 apply to the application.

Effect. Where an application for a name change is received by the chief electoral officer after the issue of an order instituting an election, the change cannot take effect until the date of the publication of the notice referred to in section 380.

1989, c. 1, s. 51; 1992, c. 38, s. 12; 1998, c. 52, s. 11; 1999, c. 15, s. 7.

DIVISION III

AUTHORIZATION OF A PARTY AUTHORITY

Authorization. **52.** The chief electoral officer shall grant authorization to a party authority upon a written application of the leader of the authorized party or of the person designated in writing by the leader, and upon production of the following information:

(1) the name of the party authority;

(2) the address to which communications intended for the party authority must be sent;

(3) the addresses where the books and accounts pertaining to the contributions it will receive and the expenses it will incur are to be kept;

(4) the name, address and telephone number of the official representative of the party authority.

Party authority. The organization of a political party at the level of an electoral division, of a region or of Québec is a party authority.

1989, c. 1, s. 52.

DIVISION IV

MERGER OF AUTHORIZED PARTIES

Advise to CEO. **53.** Where authorized parties wish to merge, their leaders shall so advise the chief electoral officer.

1989, c. 1, s. 53; 1998 c. 52, s. 12.

Merger notice. **54.** The merger notice shall be given jointly and in writing.

Requirements. The notice shall

(1) indicate the name of the party to result from the merger;

(2) produce, in respect of the party that will result from the merger, the information contemplated in section 48;

(3) indicate how each of the party authorities of the applying parties will be affected by the proposed merger;

(4) produce, for each of the party authorities of the party that will result from the merger, the information contemplated in section 52;

(5) indicate the date of merger.

Resolution. The merger notice must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of each party concerned and certified by two or more officers of each of the parties.

1989, c. 1, s. 54; 1992, c. 38, s. 13; 1998, c. 52, s. 13.

55. *(Repealed).*

1998, c. 52, s. 14.

Merger. **56.** From the merger, the parties and their party authorities cease to exist and are replaced by the party and the party authorities resulting from the merger.

Rights and obligations. The party and the party authorities resulting from a merger succeed to the rights and obligations of the merged parties and party authorities.

Financial statement. Each of the parties and of their party authorities shall forward to the chief electoral officer, within 60 days after the merger, the financial statement for the period that has elapsed from the preceding 31 December to the date of the merger.

1989, c. 1, s. 56.

Notice. **57.** The chief electoral officer shall publish a notice of any merger in the *Gazette officielle du Québec* and in at least one newspaper published in Québec and circulated in all parts of Québec.

Content of notice.

The notice shall indicate the name of the official representative of the party resulting from the merger and, as the case may be, the names of its delegates. It shall, in addition, indicate the name of the official representative of each of its party authorities.

1989, c. 1, s. 57.

Financial statements.

58. The official representatives of the party and party authorities resulting from the merger shall, not later than 1 April of the year immediately following that of the merger, file the financial statements required by sections 113 and 117 for that part of the fiscal year that has elapsed since the merger.

Balance sheet.

The financial statement of the party must be accompanied with an opening balance sheet on the date of the merger. The financial statement of each party authority resulting from the merger must indicate the cash balance on the date of the merger.

1989, c. 1, s. 58.

DIVISION V

AUTHORIZATION OF AN INDEPENDENT CANDIDATE OR OF A MEMBER OF THE NATIONAL ASSEMBLY WHO BECOMES AN INDEPENDENT

Authorization.

59. The chief electoral officer or any person designated by him shall grant an authorization to every independent candidate who applies to him therefor in writing and who furnishes him with the following information:

(1) his name, the address of his domicile and his telephone number;

(2) the name of the electoral division in which he is a candidate;

(3) the address to which communications intended for him must be sent;

(4) the address where the books and accounts pertaining to the contributions he will receive and the expenses he will incur are to be kept;

(5) the name, address and telephone number of his official representative.

Official agent.

Where the application for authorization is filed at the same time as the nomination paper, the candidate's official representative is the official agent designated by him in his nomination paper.

1989, c. 1, s. 59; 1998, c. 52, s. 16.

Application for authorization.

59.1. Any elector who undertakes to run as an independent candidate in the next general election may file an application for authorization with the chief electoral officer from the expiry of a period of three years after receipt by the Secretary General of the National Assembly of the list of candidates declared elected referred to in section 380.

By-election.

Any elector who undertakes to run as an independent candidate in a by-election may file an application for authorization with the chief electoral officer from the date on which the seat becomes vacant.

Contents. The application for authorization must contain the information referred to in section 59 as well as the signatures and addresses of at least 100 electors of the electoral division declaring that they support the application.

Official agent. Upon the filing of the nomination paper, the candidate's official representative becomes the candidate's official agent.

1998, c. 52, s. 17; 2001, c. 72, s. 6.

Contributions. **60.** The authorization granted to an independent candidate entitles his official representative to solicit and collect contributions until polling day.

Contributions after polling day. After polling day, the authorization granted to an independent candidate who was not elected entitles his official representative to solicit and collect contributions for the sole purpose of paying the debts arising from his election expenses and to dispose, in accordance with the second paragraph of section 441, of the sums and property derived from his election fund.

1989, c. 1, s. 60; 1998, c. 52, s. 18.

Expiry of authorization. **61.** The authorization granted to an independent candidate who was not elected expires on 31 December of the year immediately following the election year.

Expiry of authorization. The authorization of an independent candidate who was elected expires as soon as the person ceases to sit as an independent Member in the National Assembly, unless the candidate runs again as an independent candidate.

1989, c. 1, s. 61; 1992, c. 38, s. 14; 1998, c. 52, s. 19.

Withdrawal. **62.** In the case of an authorized independent candidate who withdraws before polling day, the authorization granted to the candidate entitles his official representative to solicit and collect contributions for the sole purpose of paying the debts arising from election expenses incurred by the candidate before his withdrawal, and to dispose, in accordance with the second paragraph of section 441, of the sums and property remaining in his election fund on the day of his withdrawal.

Applicable provision. Section 125 applies to the candidate.

1989, c. 1, s. 62.

Application. **62.1.** A Member of the National Assembly who becomes an independent without having been elected as such must file an application with the chief electoral officer within 30 days of acquiring that status.

1998, c. 52, s. 20.

DIVISION VI

MISCELLANEOUS PROVISIONS

Verification of application.

63. The chief electoral officer may take any necessary measures to verify the accuracy of the information provided in support of an application for authorization.

Refusal.

The chief electoral officer, where he intends to refuse an application, shall give the party, party authority, independent Member or independent candidate, as the case may be, the reasons for his decision and an opportunity to be heard.

1989, c. 1, s. 63; 1998, c. 52, s. 21.

Public notice.

64. Upon granting authorization to an entity, the chief electoral officer shall publish a notice of it in the *Gazette officielle du Québec* and in at least one newspaper published in Québec and circulated, in the case of a party, in all parts of Québec or, in the case of a party authority, an independent Member or a candidate, in the electoral division for which the authorization was granted.

Contents.

The notice sh ll indicate the name of the official representative, and those of his delegates, if any.

1989, c. 1, s. 64; 1998, c. 52, s. 22.

Registers.

65. The chief electoral officer shall keep registers of the entities he has authorized, setting out the information required under sections 48, 52 and 59.

Updating.

Every authorized entity shall, without delay, furnish the chief electoral officer, in writing, with the information required for updating the registers.

Information.

The information shall be furnished by the leader of the party or the person designated by him in writing, under section 42, or, as the case may be, by the independent candidate or the independent Member.

1989, c. 1, s. 65; 1998, c. 52, s. 23.

Transmission of by-laws.

65.1. Within six months after being authorized, a party must transmit to the chief electoral officer a copy of its by-laws duly adopted by its members at a general meeting.

Transmission of amendments.

An authorized party must also transmit to the chief electoral officer a copy of any amendments to its by-laws for updating purposes.

1998, c. 52, s. 24.

Appointment of interim leader.

66. Where the office of leader of an authorized party becomes vacant, the party shall, within 30 days, appoint an interim leader for the purposes of this Act and notify the chief electoral officer of the appointment.

Resolution. The notice must be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party, and certified by two or more officers of the party.

1989, c. 1, s. 66; 1998, c. 52, s. 25.

DIVISION VII

WITHDRAWAL OF AUTHORIZATION

Application for withdrawal. **67.** The chief electoral officer may, upon the written application of the leader, withdraw the authorization of a party or of any of its party authorities. He may, upon the written application of an authorized independent candidate, withdraw the authorization of the candidate unless the candidate has not fully paid the debts arising from his election expenses.

Financial report. The application must be accompanied with a closing financial report of the entity contemplated in the application, for the period that has elapsed from the date of authorization or the preceding 31 December, as the case may be, to the date of the application for withdrawal of authorization. The report shall include the same information as the annual financial report described in section 113.

Financial report. The application must also be accompanied with the financial report for the preceding fiscal year if it has not been filed.

Filing of reports. The reports shall be filed by the last official representative or, failing that, by the leader of the party or by the independent candidate.

Resolution. In the case of a party or a party authority, the application must also be accompanied with a copy of a resolution to that effect made in conformity with the by-laws of the party and certified by two or more officers of the party.

1989, c. 1, s. 67; 1998, c. 52, s. 26.

Information omitted. **68.** The chief electoral officer may withdraw the authorization of an authorized entity which does not furnish him with the information required for the purposes of the updating of the registers provided for in section 65 or, as the case may be, which does not comply with Division IV of Chapter II, regarding the auditor, or whose official representative does not comply with Division III of Chapter II, regarding expenses and loans of entities, or with Division V of Chapter II, regarding financial reports.

1989, c. 1, s. 68.

Withdrawal. **69.** The chief electoral officer shall withdraw the authorization of any independent Member if the Member joins a political party.

1989, c. 1, s. 69; 1998, c. 52, s. 27; 2001, c. 2, s. 2; 2004, c. 36, s. 2.

Death of candidate. **70.** The chief electoral officer shall withdraw his authorization from an independent candidate or an independent Member who dies.

Withdrawal.

The chief electoral officer shall withdraw the authorization of any person who undertook to run as a candidate and has not filed a nomination paper at the expiry of the prescribed time.

1989, c. 1, s. 70; 1998, c. 52, s. 28.

Hearing.

71. The chief electoral officer, where he intends to withdraw his authorization from an entity under section 67 or 68, shall give the party, party authority, independent Member or candidate, as the case may be, the reasons for his intention and an opportunity to be heard.

1989, c. 1, s. 71; 1998, c. 52, s. 29.

Public notice.

72. Upon withdrawing an authorization, the chief electoral officer shall publish a notice of it in the *Gazette officielle du Québec* and in at least one newspaper published in Québec and circulated, in the case of a party, in all parts of Québec or, in the case of a party authority, an independent Member or a candidate, in the electoral division or part of Québec for which the authorization was granted.

Contents.

The notice that an authorization has been withdrawn shall indicate the name of the official representative and those of his delegates, if any.

1989, c. 1, s. 72; 1998, c. 52, s. 30.

Effect of withdrawal.

73. The withdrawal of authorization from a party entails the withdrawal of authorization from all its party authorities.

Transition.

Where the authorization of a party is withdrawn during the election period, the chief electoral officer may prescribe changes to ensure the transition from the status of party candidate to that of authorized independent candidate.

1989, c. 1, s. 73.

Remaining assets.

74. Where an independent candidate ceases to be authorized pursuant to an application filed under section 67, the sums and property remaining in his possession shall be remitted, without delay, by his official representative to the chief electoral officer, who shall remit them to the Minister of Finance.

Applicable provisions.

If an independent candidate ceases to be authorized under sections 68 and 70, sections 76, 77, 79 and 80, adapted as required, apply.

1989, c. 1, s. 74.

Provisions applicable.

74.1. If an independent Member ceases to be authorized because he has joined an authorized party, because he has died or because he has decided not to run again on the expiry of his term of office, sections 76, 77 and 80 apply, with the necessary modifications.

Surplus.

Any surplus shall, after the payment of debts, be remitted to the authorized party which the independent Member has joined or, in other cases, to the Minister of Finance.

1998, c. 52, s. 31.

Remaining assets.

75. Where a party authority ceases to be authorized, without the party being so affected, the sums and assets remaining in its possession shall be remitted to the official representative of the party by the person holding them.

Financial reports.

The authority shall also file with the chief electoral officer, within 60 days after the withdrawal of authorization, the financial reports prescribed in section 67, unless the reports have already been filed.

Rights and obligations.

The party shall succeed to the rights and obligations of the party authority which has ceased to be authorized.

1989, c. 1, s. 75.

Remaining assets.

76. Where a party ceases to be authorized, the sums and assets of the party and party authorities shall be remitted without delay to the chief electoral officer by the persons holding them.

Financial reports.

The party and each of its party authorities shall also file with the chief electoral officer, within 60 days following the withdrawal of authorization, the financial reports required in section 67 and the name and full address of each of their creditors and the amount due to each creditor.

Books and accounts.

The chief electoral officer may require the party and its party authorities to remit to him any book, account or document relating to their financial affairs.

1989, c. 1, s. 76.

Liquidation of assets.

77. The chief electoral officer shall liquidate the assets of the party and those of each of its party authorities separately.

Debts.

He shall discharge the debts of the party and party authorities up to the amount of their respective assets.

1989, c. 1, s. 77.

Surplus.

78. After complying with section 77, the chief electoral officer shall use any surplus of assets over liabilities of the party or of the party authorities to pay, *pro rata*, any creditors who have not been paid in full.

1989, c. 1, s. 78.

Balance.

79. After payment of the debts, the balance, if any, shall be paid to the Minister of Finance.

1989, c. 1, s. 79.

Account for liquidation.

80. For the purposes of the liquidation of the assets of a party and its party authorities which cease to be authorized, the chief electoral officer may open accounts in a bank, trust company or financial services cooperative within the meaning of the Act respecting financial services cooperatives (chapter C-67.3) having an office in Québec, and designate two or more persons authorized to sign cheques or other orders of payment from among the members of his personnel.

1989, c. 1, s. 80; 1988, c. 64, s. 587; 2000, c. 29, s. 645.

CHAPTER II

FINANCING OF PARTIES, INDEPENDENT MEMBERS AND INDEPENDENT CANDIDATES

DIVISION I

PUBLIC FINANCING OF POLITICAL PARTIES

Allowance.

81. The chief electoral officer shall, every year, determine an allowance for each authorized party.

1989, c. 1, s. 81.

Calculation of allowance.

82. The allowance shall be computed by dividing between the authorized parties, proportionately to the percentage of the valid votes obtained by them at the last general election, a sum equal to the product obtained by multiplying the amount of $0.50 by the number of electors entered on the lists of electors used at that election.

1989, c. 1, s. 82; 1992, c. 38, s. 15.

Use of allowance.

83. The allowance shall be used to reimburse the expenses incurred by the parties for their current administration, the propagation of their political programs and the coordination of the political activities of their members; it shall be paid only if the expenses are actually incurred and paid.

1989, c. 1, s. 83.

Mode of payment.

84. The allowance shall be paid by cheque made to the order of the official representative of the party, upon production by him of a demand for payment and of a statement in the form prescribed by the chief electoral officer.

Invoices and receipts.

The official representative shall keep the invoices, receipts or other vouchers for a period of two years. However, he shall remit them to the chief electoral officer, at his request.

1989, c. 1, s. 84.

Reimbursement.

85. Upon receipt of a certificate signed by the chief electoral officer setting out the amount he has paid to an official representative, the Minister of Finance shall reimburse the amount set out in the certificate to the chief electoral officer.

1989, c. 1, s. 85.

Examination of documents.

86. Any person may examine the documents contemplated in section 84 at the information centre of the chief electoral officer during regular working hours and make copies of them.

Publication of summary statement.

Within thirty days of the payment of the allowance, the chief electoral officer shall publish, in the *Gazette officielle du Québec*, a summary statement of every amount paid to the official representative of every party contemplated in this division.

1989, c. 1, s. 86.

DIVISION II

CONTRIBUTIONS

Contributor.

87. Only an elector may make a contribution.

Restriction.

He shall do so only in favour of an authorized entity and only in accordance with this division.

1989, c. 1, s. 87.

Contributions.

88. Sums of money donated to an authorized entity and services rendered and goods furnished to it free of charge for political purposes are contributions.

Exceptions.

The following are not contributions:

(1) volunteer work and the goods or services produced by such work;

(2) anonymous donations collected at a meeting or rally held for political purposes;

(3) amounts paid to a political party under any Act, and reimbursements and advances on reimbursements of election expenses contemplated in Chapter VI of Title IV;

(4) a loan granted for political purposes by an elector or a bank, trust company or financial services cooperative at the current market rate of interest at the time it is granted, or a guarantee granted by an elector as surety;

(5) an annual amount of not over $50 paid by a natural person as dues of membership in a political party;

(6) at the option of the official representative of an authorized entity, applied equally to all the participants, an entrance fee to a political activity or rally, where the fee is not over $60 per day, up to one admission per person;

(7) air time on the radio or television or space in a newspaper, periodical or other printed matter made available free of charge outside an election period by any radio, television or cable broadcaster or any owner of a newspaper, periodical or other printed matter to authorized political parties, provided he offers such service equitably as to quality and quantity to the parties represented in the National Assembly and to the parties which received at least 3% of the valid votes in the last general election;

(8) transfers of funds between

(a) the various authorized party authorities;

(b) an authorized party and any of its authorized party authorities; or

(c) an authorized party, any of its authorized party authorities and the official agent of an official candidate of the party.

1989, c. 1, s. 88; 1992, c. 38, s. 16; 1999, c. 40, s. 116; 2000, c. 29, s. 646.

Contributions.

89. Every sum of money, except sums spent in accordance with paragraphs 5, 6, 7 and 7.1 of section 404, disbursed by a candidate for payment by him or through his official agent of an election expense is deemed to be a contribution.

1989, c. 1, s. 89; 1992, c. 38, s. 17.

Personal property.

90. Every contribution must be made by the elector himself out of his own property.

1989, c. 1, s. 90.

Maximum amount.

91. The total of contributions to each party, independent Member and independent candidate by the same elector during the same calendar year shall not exceed the amount of $3 000. In the case of a party, the amount may be paid in whole or in part to one or another of its party authorities.

Value of goods and services.

Goods and services furnished to an authorized entity are assessed, if they are furnished by a trader in the ordinary course of business of his enterprise, at the lowest price at which he offers his goods or services to the public at the time when they are furnished.

Value of goods and services.

In the other cases, goods and services are assessed at the lowest market retail price in the region in which and at the time when they are offered to the public in the ordinary course of business.

1989, c. 1, s. 91; 1998, c. 52, s. 33; 1999, c. 40, s. 116.

Authorized person.

92. Contributions shall not be solicited except under the responsibility of the official representative of an authorized entity, or except through persons designated in writing by the official representative.

Certificate.

Every person authorized to solicit contributions shall, on demand, produce a certificate signed by the official representative, attesting his authority.

1989, c. 1, s. 92.

Payment to official representative.

93. A contribution shall be made to no one except the official representative of the authorized entity for which it is intended, or the persons designated in writing by the official representative in accordance with section 92.

1989, c. 1, s. 93.

Powers of the delegate.

94. The delegate of the official representative of an authorized party has, for the electoral division for which he is appointed, the powers conferred on the party's official representative by sections 92, 93, 96 and 102.

1989, c. 1, s. 94.

Cheques.

95. Every contribution of money of over $200 shall be made by cheque or other order of payment signed by the elector and drawn on his account in a bank, trust company or financial services cooperative having an office in Québec. However, such a contribution may also be made, in accordance with the directives of the chief electoral officer, by means of a credit card or a transfer of funds to an account held by the official representative of the authorized entity for which it is intended.

1989, c. 1, s. 95; 1992, c. 38, s. 18; 2000, c. 29, s. 647; 2001, c. 2, s. 4.

Receipt.

96. For every contribution, the official representative or the person designated in accordance with section 92 shall issue a receipt to the contributor.

Contents.

The receipt shall indicate the address of the elector's domicile.

1989, c. 1, s. 96.

Cheques.

97. The cheque or order of payment must be made to the order of the authorized entity.

1989, c. 1, s. 97.

Payment.

98. On being cashed, a contribution is deemed paid by the elector who made it and received by the authorized entity for which it is intended.

1989, c. 1, s. 98.

Deposit.

99. The contributions of money and the funds collected in accordance with this division must be deposited with a bank, trust company or financial services cooperative having an office in Québec and chosen by the authorized entity.

1989, c. 1, s. 99; 2000, c. 29, s. 648.

Return of contribution.

100. Every contribution or part of a contribution made contrary to this division shall, as soon as the fact is known, be remitted to the chief electoral officer who shall return it to the contributor if his identity is known; if his identity is not known, the money shall be paid to the Minister of Finance.

1989, c. 1, s. 100; 1992, c. 38, s. 19.

Public notice.

101. Every year, on the date fixed after consultation with the advisory committee, the chief electoral officer shall publish a notice for the information of electors indicating, in particular,

(1) the names of the authorized parties;

(1.1) the names of the independent Members;

(2) the name of each party's and each independent Member's official representative;

(3) the rules governing contributions.

1989, c. 1, s. 101; 1998, c. 52, s. 34; 2001, c. 2, s. 5.

DIVISION III

EXPENSES AND LOANS OF AUTHORIZED ENTITIES

Expenses incurred.

102. The expenses of an authorized entity may be incurred only by the official representative or by a person designated by him in writing.

Certificate of authorized person.

Every person authorized to incur expenses shall, on demand, exhibit a certificate signed by the official representative and attesting his authority.

1989, c. 1, s. 102.

Payment of accounts.

103. The official representative of a party, of a party authority or of an independent Member shall pay the accounts and invoices that are transmitted to him within six months of their receipt, unless he contests them.

1989, c. 1, s. 103; 1998, c. 52, s. 35.

Loans.

104. Only the official representative of an authorized entity may contract a loan.

1989, c. 1, s. 104.

Required information.

105. Every loan shall be evidenced in a writing setting out the name and address of the lender, the date, amount, term and rate of interest of the loan and the terms and conditions of repayment of the principal and payment of the interest.

Surety.

Where an elector becomes surety for a loan, the deed of suretyship shall set out the name and domiciliary address of the elector and the amount for which he became surety.

1989, c. 1, s. 105.

Interest.

106. The official representative shall, at least once a year, pay the interest due on the loans he has contracted.

Lender not found.

Where the official representative is unable to remit the sums due to the lender because the latter cannot be found, the official representative shall comply with section 100, adapted as required.

1989, c. 1, s. 106; 1992, c. 38, s. 20.

DIVISION IV

AUDITORS

Auditor.

107. The official representative of every authorized party, with the written approval of the leader of the party, shall appoint an auditor from among the persons having a legal right to practise public auditing in Québec.

1989, c. 1, s. 107.

Disqualification.

108. No person may be an auditor if

(1) he is not a qualified elector;

(2) he is a Member of the National Assembly or of the Parliament of Canada;

(3) he is an official agent or official representative;

(4) he is a candidate in a current election;

(5) he is the chief electoral officer, a returning officer, an assistant returning officer or one of his assistants.

Disqualification.

Nor may any partner or member of the staff or personnel of a person described in subparagraphs 2 to 5 of the first paragraph be an auditor.

1989, c. 1, s. 108.

Replacement.

109. The official representative shall, with the written approval of the leader of the party, replace the auditor appointed by him upon the latter's ceasing to hold office.

1989, c. 1, s. 109.

Auditor's report.

110. The auditor of an authorized party shall examine the financial report made pursuant to section 113 and make his report as auditor in accordance with the directive issued by the chief electoral officer in that regard.

1989, c. 1, s. 110; 1992, c. 38, s. 21.

Access to books and documents.

111. The auditor of a party shall have access to all the books, accounts and documents pertaining to the financial affairs of the party.

1989, c. 1, s. 111.

Cost of audit.

112. The chief electoral officer shall reimburse the authorized parties one-half of the cost incurred for the audit of the financial report contemplated in section 113, up to $15,000.

Cost of audit.

Where the chief electoral officer requires the audit of a balance sheet that accompanies a joint application for a merger or a financial report produced following a merger under section 56, he shall reimburse one-half of the cost incurred for the audit, up to $15,000.

Cost of audit.

Where the chief electoral officer requires the audit of a closing financial report, he shall appoint the auditor and directly discharge the cost of the audit.

1989, c. 1, s. 112; 1992, c. 38, s. 22; 2001, c. 2, s. 6.

DIVISION V

FINANCIAL REPORTS

Financial report of the party.

113. The official representative of every authorized party shall, not later than 30 April each year, submit to the chief electoral officer a financial report for the preceding fiscal year containing a balance sheet, an income statement, and a statement of changes in the financial position of the party, prepared in accordance with generally recognized accounting principles.

Fiscal year.

For the purposes of this title, the fiscal year corresponds to the calendar year.

1989, c. 1, s. 113; 2001, c. 2, s. 7.

Income statement.

114. The income statement shall include a general statement of revenues and total expenditures and indicate, in addition,

(1) the total sum of anonymous donations collected at meetings or rallies contemplated in subparagraph 2 of the second paragraph of section 88, and the nature, place and date of the meetings or rallies;

(2) the total sum of amounts collected under subparagraph 5 of the second paragraph of section 88;

(3) the total sum of amounts collected under subparagraph 6 of the second paragraph of section 88 as entrance fees to an activity or rally of a political nature, and the nature, place and date of the activity or rally;

(4) the total sum of contributions of $200 or less;

(5) the number and the total sum of contributions of over $200.

1989, c. 1, s. 114; 1992, c. 38, s. 23.

Contents of financial report.

115. The financial report shall indicate, furthermore,

(1) the financial institutions where the amounts of money collected by the party are deposited and the account numbers used;

(2) the total value of services rendered and goods furnished free of charge;

(3) for each elector whose total contribution to the party and to each party authority exceeds $200, the elector's name and full domiciliary address and the amount paid;

(4) the name and full domiciliary address of each elector who became surety and the amount for which he became surety;

(5) the total amount of the sums transferred or loaned between the party and party authorities or the official agent of an official candidate of the party or, during a referendum, the total sum of the amounts transferred or loaned to a national committee;

(6) a detailed statement of all amounts borrowed in accordance with subparagraph 4 of the second paragraph of section 88, the date of each loan, the name and full address of the lender, the rate of interest charged, and the amount of the repayments in principal and of the payments of interest.

Information. The information described in subparagraph 3 of the first paragraph shall be presented in alphabetical order of the names of the electors.

1989, c. 1, s. 115; 1992, c. 38, s. 24.

Auditor's report. **116.** The annual financial report contemplated in section 113 is deemed submitted to the chief electoral officer only if it is accompanied with the auditor's report contemplated in section 110.

Exception. No auditor's report is required, however, in the case of a closing financial report, a balance sheet accompanying a joint application for a merger or a financial statement produced following a merger under section 56. The chief electoral officer may nevertheless require them.

1989, c. 1, s. 116.

Financial report. **117.** Not later than 1 April each year, the official representative of an authorized party authority or of an independent Member shall file a financial report for the preceding fiscal year with the chief electoral officer.

Contents. The report shall contain an income statement made in accordance with section 114 and the information prescribed in section 115.

1989, c. 1, s. 117; 1998, c. 52, s. 36.

Receipts of contributions. **118.** The official representative of an authorized party, of an authorized party authority or of an independent Member shall, for two years from the date of submitting the financial report, keep the receipts issued for contributions received as well as sufficient vouchers to enable compliance with the provisions of sections 90 and 95 to be verified. However, he shall remit them to the chief electoral officer, at his request.

1989, c. 1, s. 118; 1998, c. 52, s. 37; 2001, c. 2, s. 8.

Extension of time limit. **119.** Where the time limit fixed in section 113 or 117 expires during an election period, it is deferred to the ninetieth day after the date of the general election as regards the report provided for in section 117 and to the one hundred and twentieth day as regards the report provided for in section 113.

1989, c. 1, s. 119; 2001, c. 2, s. 9.

Time limit.

120. Where the time limit fixed in section 113 or 117 expires during the period in which a return of election expenses must be filed, it is deferred to the thirtieth day after the date on which the return is filed as regards the report provided for in section 117 and to the sixtieth day as regards the report provided for in section 113.

1989, c. 1, s. 120; 2001, c. 2, s. 10.

Applicable provisions.

121. Sections 119 and 120, adapted as required, apply at elections other than general elections with respect to authorized party authorities at the level of the electoral divisions where these elections are held and with respect to the independent Members, if any, representing those electoral divisions.

1989, c. 1, s. 121; 1998, c. 52, s. 38.

Independent candidate.

122. The official representative of an authorized independent candidate who was not elected shall, within 90 days after polling day, file a financial report with the chief electoral officer.

Contents of financial report.

The report shall contain an income statement prepared in accordance with section 114, and the information provided for in section 115. The report must be accompanied with a copy of each of the receipts issued for contributions received.

Date of filing.

The financial report shall be filed at the same time as the return of election expenses provided for in section 432.

1989, c. 1, s. 122: 1998, c. 52, s. 39; 2001, c. 2, s. 11.

Residual debts or assets.

123. Where the official representative of an independent candidate who was not elected, after filing the report and return contemplated in sections 122 and 432, has debts resulting from election expenses or holds sums or property from the election fund of the candidate, he shall file a financial report with the chief electoral officer.

Financial report.

The financial report must be filed in accordance with the second paragraph of section 122, accompanied with the same documents, not later than 1 April of the year following each fiscal year during which the candidate remained authorized.

1989, c. 1, s. 123; 1998, c. 52, s. 40; 2001, c. 2, s. 12.

Remaining assets.

124. On 31 December of the year following the year of the election, any sums remaining from the electoral fund of an independent candidate who was not elected shall be remitted to the chief electoral officer, who shall remit them to the Minister of Finance.

1989, c. 1, s. 124; 1998, c. 52, s. 41.

Disqualification.

125. Every independent candidate who was not elected and who, on 31 December of the year following the year of the election in which he was a candidate, has not discharged all the debts resulting from his election expenses, becomes disqualified for the next general election and any by-election.

1989, c. 1, s. 125; 1998, c. 52, s. 42.

Public information.

126. The information contained in the reports, returns and documents prescribed under this title is public information.

Access to documents.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person may have access to the documents prescribed by this division before the date of expiry of the period prescribed for their filing. If the documents are filed after the date fixed, they shall be accessible upon their date of filing.

Exception.

This section does not apply to receipts issued for contributions of $200 or less.

Examination of documents.

Any person may examine the reports, returns and documents at the information centre of the chief electoral officer during regular working hours, and make copies of them.

1989, c. 1, s. 126; 1992, c. 38, s. 25.

Disqualification.

127. If the financial report of an authorized entity is not filed within the fixed time, the leader of the party or, if he is not a Member, the House leader or, as the case may be, the independent Member, becomes, ten days after the expiry of the prescribed time, disqualified to sit and to vote in the National Assembly until the financial report is filed.

Provisions applicable.

Sections 442 to 444 and 448, adapted as required, apply to this division.

1989, c. 1, s. 127; 1998, c. 52, s. 43.

TITLE IV

ELECTION PERIOD

CHAPTER I

WRIT OF ELECTION

Order instituting election.

128. The holding of an election is instituted by an order of the Government addressed to the chief electoral officer. The order enjoins him to hold an election on the date fixed therein and indicates each electoral division in which an election must be held.

Copy to returning officer.

The chief electoral officer shall send a copy of the order to the returning officer of each electoral division in which an election must be held, and the returning officer shall comply with it.

1989, c. 1, s. 128.

Election date.

129. At a general election, the election date is the same for all the electoral divisions.

1989, c. 1, s. 129.

By-election.

130. Where the seat of a Member in the National Assembly becomes vacant, the order instituting the holding of a by-election must be issued not later than six months after it becomes vacant.

Exception.

However, the Government is not required to make such an order if the vacancy occurs more than four years after receipt by the Secretary General of the National Assembly of the list of candidates declared elected referred to in section 380.

General election.

Once the order instituting the holding of a general election is issued, any order instituting the holding of a by-election ceases to have effect.

1989, c. 1, s. 130; 1998, c. 52, s. 44; 1999, c. 40, s. 116.

Polling day.

131. The polling shall take place on the fifth Monday following the issue of the order instituting the election if the order is issued on a Monday, Tuesday or Wednesday, or on the sixth Monday if the order is issued on another day.

Holiday.

If polling day falls on a holiday, the poll shall be held on the following day.

1989, c. 1, s. 131; 1995, c. 23, s. 13.

Offices.

132. The returning officer shall establish a main office in an easily accessible place in the electoral division, and, after being authorized by the Chief Electoral Officer, branch offices as needed. The addresses of these offices are communicated to the Chief Electoral Officer, to each party authority at the electoral division level and to the public.

Opening hours.

As soon as the order instituting the election is issued, these offices must be open every day, from 9:00 a.m. to 9:00 p.m. Monday to Friday and from 9:00 a.m. to 5:00 p.m. Saturday and Sunday. They must be handicapped-accessible and laid out in accordance with the standards prescribed by the Chief Electoral Officer.

1989, c. 1, s. 132; 1995, c. 23, s. 14; 2006, c. 17, s. 9.

Election calendar.

133. The chief electoral officer shall publish an election calendar.

1989, c. 1, s. 133.

Manual.

134. The chief electoral officer shall send to each dwelling, not later than the twenty-second day preceding polling day, a manual informing citizens on the right to vote, the list of electors and revision of the list, the financing of political parties and independent candidate, the control of election expenses, and voting procedures.

1989, c. 1, s. 134; 1995, c. 23, s. 15.

Reminder. **135.** The returning officer shall send to every dwelling in his electoral division, not later than the second day preceding polling day, a reminder informing the electors of the place, date and hours of the polling, the number of their polling station, and the particulars that will be contained in the ballot paper.

1989, c. 1, s. 135.

Access. **135.1.** The owner, manager, operator, superintendent, caretaker or person in charge of a residential building, a residence for the elderly listed in the register established under the Act respecting health services and social services (chapter S-4.2) or a lodging facility operated by an organization for the purpose of ensuring the safety of individuals and their children must allow and facilitate access to the building, residence or facility by persons in charge of distributing notices or documents from the Chief Electoral Officer or the returning officer.

Access. The same rule applies to the executive director of an institution that operates a hospital centre, a residential and long-term care centre or a rehabilitation centre governed by the Act respecting health services and social services or a hospital centre or a reception centre within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5), with regard to any facility maintained by the institution.

2001, c. 72, s. 7; 2006, c. 17. s. 10.

CHAPTER II

ELECTION OFFICERS

Election officers. **136.** Returning officers and their aides, assistant returning officers and their assistants, polling officers, enumerators, revisors, revising officers and secretaries of a board of revisors are election officers.

Qualification. Election officers are chosen from among the qualified electors.

Oath. Apart from the returning officer, who shall make an oath in accordance with section 509, the election officers shall make the oath provided in Schedule II before the returning officer or the person designated by him.

Directives. Election officers shall comply with the directives of the chief electoral officer.

1989, c. 1, s. 136; 1995, c. 23, s. 16.

Remuneration. **137.** The tariff of remuneration and expenses of election officers shall be fixed by government regulation.

Increase of tariff. The chief electoral officer may, in an election period, increase the amounts fixed by the tariff. The additional expenses resulting from the increase shall not exceed the amount established by government regulation.

1989, c. 1, s. 137; 2001, c. 2, s. 13.

Corrupt electoral practice.

138. No elector convicted or held to be guilty of a corrupt electoral practice may become an election officer for five years from the date of the judgment.

1989, c. 1, s. 138; 1992, c. 61, s. 283.

Partisan work.

139. No election officer may engage in partisan work on the days prescribed by this Act for the carrying out of his duties.

Applicability.

In the case of an officer in charge of the list of electors, the prohibition ceases to apply on the close of the poll.

1989, c. 1, s. 139; 2001, c. 72, s. 8.

Administration of oaths.

140. In carrying out their duties of office, all election officers except the officer in charge of information and order may administer the oaths provided for in this Act, and they shall do so without charge.

1989, c. 1, s. 140.

Dismissal.

141. The returning officer may dismiss any election officer who neglects to perform his duties, engages in partisan work or is not qualified to hold the office. However, before dismissing a revisor, the returning officer shall consult the chief electoral officer.

Remuneration.

An enumerator who is dismissed is not entitled to any remuneration.

1989, c. 1, s. 141.

Replacement.

142. An election officer who ceases to perform his duties of office shall, so far as possible, be replaced in the same manner as he was appointed.

1989, c. 1, s. 142.

Return of documents.

143. An election officer who no longer holds office shall return all the official documents in his possession to the chief electoral officer, in the case of the returning officer, or to the returning officer in the case of any other officer.

1989, c. 1, s. 143.

Leave without pay.

144. Every employer shall, upon written request, grant leave without pay to an employee who is an election officer to enable him to perform his duties.

Provisions applicable.

Sections 250 to 255 apply to such an employer.

1989, c. 1, s. 144.

CHAPTER III

LIST OF ELECTORS

DIVISION I

PRODUCTION AND TRANSMISSION

Production of lists of electors.

145. Upon the issue of an order instituting an election and as soon as the requests for changes to the permanent list of electors received by the chief electoral officer before the issue of the order have been processed, the chief electoral officer shall produce the list of electors and the list of electors entitled to exercise their right to vote outside Québec.

Transmission to returning officers.

The chief electoral officer shall transmit to each returning officer the list of electors for his electoral division and the list of electors entitled to exercise their right to vote outside Québec for the division.

Information relating to electors.

The chief electoral officer shall also transmit to each returning officer the information relating to the electors in whose respect he is unable to update the entries on the permanent list of electors, so that the information may be verified by the competent board of revisors.

Addresses.

Moreover, the chief electoral officer shall transmit to each returning officer a list of the addresses for which no electors' names are entered on the list of electors for the electoral division.

1989, c. 1, s. 145; 1995, c. 23, s. 17; 1997, c. 8 s. 10.

Lists of electors to candidates.

146. Not later than the twenty-seventh day preceding polling day, the returning officer shall transmit to each candidate the list of electors for the division, the list of electors entitled to exercise their right to vote outside Québec and a list of the addresses for which no electors' names are entered.

Form of lists.

The lists are sent in electronic form; candidates may obtain a paper copy on request.

Lists to authorized parties.

The chief electoral officer shall transmit the lists in computer form to the authorized parties represented in the National Assembly, to any other authorized party having so requested and to any independent Member.

1989, c. 1, s. 146; 1995, c. 23, s. 17; 1997, c. 8, s. 11; 2001, c. 72, s. 9; 2006, c. 17, s. 11.

List of electors entitled to vote outside Québec.

147. Not later than the eighteenth day preceding polling day, the chief electoral officer shall transmit to each returning officer a list of the electors of his division who have become entitled to vote outside Québec since the issue of the order instituting the election.

Transmission to parties.

The list shall be transmitted to the parties and persons referred to in section 146, in the manner prescribed therein.

1989, c. 1, s. 147; 1995, c. 23, s. 17; 1998, c. 52, s. 45; 2001, c. 72, s. 10.

148-163. *(Replaced).*

1995, c. 23, s. 17.

DIVISION II

Replaced, 1995, c. 23, s. 17.

164-169. *(Replaced).*

1995, c. 23, s. 17.

DIVISION III

Replaced, 1995, c. 23, s. 17.

170-178. *(Replaced).*

1995, c. 23, s. 17.

DIVISION IV

REVISION

§1. — *Establishment of boards of revisors*

Establishment.

179. The returning officer for an electoral division establishes one or more boards of revisors, mobile boards of revisors and special boards of revisors, as needed.

Electors outside Québec.

The Chief Electoral Officer establishes a board of revisors for electors having the right to vote outside Québec.

1989, c. 1, s. 179; 1995, c. 23, s. 18; 2006, c. 17, s. 12.

§2. — *Boards of revisors and mobile boards of revisors*

Place of sittings.

180. A board of revisors must sit at the returning officer's main office and the additional boards of revisors sit at the returning officer's branch offices or at any other place determined by the returning officer after being authorized by the Chief Electoral Officer. If the Chief Electoral Officer considers it expedient depending on the time of the year, a board of revisors may sit at any place where a university or general and vocational college maintains a student residence.

Time limit.

Not later than the twenty-eighth day before polling day, the returning officer determines the places where boards of revisors will sit.

Mobile board of revisors.

A mobile board of revisors sits in a residential facility maintained by an institution that operates a residential and long-term care centre governed by the Act respecting health services and social services (chapter S-4.2) or a residence for the elderly listed in the register established under that Act.

Criteria. A residential facility must meet the criteria set by the Chief Electoral Officer and the institution or the operator of the residence must allow a mobile board of revisors to be set up free of charge in the residential facility.

Notice of places selected. The returning officer informs the Chief Electoral Officer, the authorized parties represented in the National Assembly, any other party having so requested, any independent Member and each candidate of the places where a board of revisors will sit.

1989, c. 1, s. 180; 1995, c. 23, s. 18; 2006, c. 17, s. 12.

Composition of board. **181.** Each board of revisors is composed of three revisors, including a chair.

1989, c. 1, s. 181; 1995, c. 23, s. 18; 2006, c. 17, s. 12.

Appointment. **182.** Not later than the twenty-sixth day before polling day, the Chief Electoral Officer appoints revisors to each board of revisors.

Chair. The chair is appointed in accordance with section 185.

Second revisor. The second revisor is appointed on the recommendation of the authorized party that ranked first in the last election or the independent Member elected as such if the Member's nomination paper has been filed.

Third revisor. The third revisor is appointed on the recommendation of the authorized party that ranked second in the last election.

1989, c. 1, s. 182; 1995, c. 23, s. 18; 2006, c. 17, s. 12.

182.1. (Replaced).

2006, c. 17, s. 12.

Decision of Chief Electoral Officer. **183.** In a new electoral division, an electoral division whose boundaries have changed since the last election, an electoral division in which no authorized party ranked second in the last election or an electoral division represented by an independent Member whose nomination paper has not been received, the Chief Electoral Officer decides which parties or candidates are entitled to recommend the appointment of the second and third revisors, according to criteria prescribed by regulation

1989, c. 1, s. 183; 1995, c. 23, s. 18; 2006, c. 17, s. 12.

Recommendations. **184.** The recommendations are made by the person designated in writing for that purpose by the leader or chief executive officer of the party.

Time limit. Recommendations must be received by the returning officer not later than the twenty-seventh day before polling day.

Refusal. The returning officer may refuse a recommendation on reasonable grounds. In that case, the returning officer requests a new recommendation.

Appointment. If no recommendation has been received or if the person recommended is not a qualified elector, the returning officer makes the appointment without further formality.

1989, c. 1, s. 184; 1995, c. 23, s. 18; 2006, c. 17, s. 12.

Approval of chair. **185.** Not later than the twenty-eighth day before polling day, the returning officer sends the name of the revisor the returning officer intends to appoint as chair of each board of revisors for approval to the person designated under section 184.

Notice. The designated person must send a notice of approval or disapproval to the returning officer not later than the twenty-seventh day before polling day. In the case of disapproval, the Chief Electoral Officer appoints the revisor who is to act as chair of the board of revisors.

Appointment. If no notice has been received, the returning officer makes the appointment without further formality.

1989, c. 1, s. 185; 1992, c. 38, s. 29; 1995, c. 23, s. 18; 2006, c. 17, s. 12.

Vice-chair. **186.** The revisor recommended by the authorized party that ranked first in the last election or by the independent Member elected as such acts as vice-chair of the board of revisors.

1989, c. 1, s. 186; 1995, c. 23, s. 18; 2006, c. 17, s. 12.

List of revisors. **187.** The returning officer posts the list of revisors appointed to a board of revisors at the returning officer's office and sends it to the Chief Electoral Officer, the authorized parties represented in the National Assembly, any other authorized party having so requested, any independent Member and each candidate.

1989, c. 1, s. 187; 1995, c. 23, s. 18; 1998, c. 52, s. 46; 2006, c. 17, s. 12.

Secretary. **188.** The returning officer appoints a secretary to each board of revisors.

Revising officers. The returning officer appoints a sufficient number of teams of two revising officers. Sections 182 to 184 apply to the appointment of revising officers, with the necessary modifications.

Additional personnel. The returning officer appoints the necessary additional personnel needed by the boards of revisors to perform their functions.

1989, c. 1, s. 188; 1995, c. 23, s. 18; 1998, c. 52, s. 47; 2006, c. 17, s. 12.

Secretary. **189.** The function of the secretary of a board of revisors is to assist the board in the performance of its work.

1989, c. 1, s. 189; 1992, c. 38, s. 30; 1995, c. 23, s. 18; 2006, c. 17, s. 12.

Revising officers.

190. The functions of the revising officers include serving hearing notices and summonses and, at the request of a board of revisors, gathering information relevant to a decision to be made.

1989, c. 1, s. 190; 1995, c. 23, s. 18; 2006, c. 17, s. 12.

Disagreement.

191. The revising officers work together; in no case may they act individually. If they disagree, the matter is submitted to the board of revisors, which makes a decision immediately; the revising officers are bound by the decision.

1989, c. 1, s. 191; 1992, c. 38, s. 31; 1992, c. 21, s. 160; 1995, c. 23, s. 18; 2006, c. 17, s. 12.

Documents.

192. Not later than the day before the day the work of a board of revisors is to begin, the returning officer sends the revisors

(1) the directives of the Chief Electoral Officer concerning the revision;

(2) the list of electors containing the information they need to perform their functions; and

(3) the requests for verification received under the third paragraph of section 145.

Electors having moved or died.

The returning officer also submits to a mobile board of revisors the cases of electors who are registered on the list of electors of a place described in section 180 or a facility maintained by an institution that operates a hospital centre or a rehabilitation centre governed by the Act respecting health services and social services (chapter S-4.2) and who, according to the information provided by the executive director, owner, manager, operator or person in charge of that place, have moved or died. The board of revisors has, in respect of such cases, the same powers and duties as for the processing of any request submitted by an elector.

Documents.

If the revision follows an enumeration, the returning officer also sends the revisors the reports made by the enumerators under section 40.29, the list prepared under section 40.30, the requests for verification received from the Chief Electoral Officer under section 40.36 and a copy of the enumeration slips for which the enumerators were unable to obtain a date of birth.

1989, c. 1, s. 192; 1995, c. 23, s. 18; 2006, c. 17, s. 12.

Sittings.

193. A board of revisors referred to in the first paragraph of section 180 sits from 9:00 a.m. to 9:00 p.m. Monday to Friday, and from 9:00 a.m. to 5:00 p.m. Saturday and Sunday, from the twenty-first to the eleventh day before polling day.

Filing.

Requests must be filed with or received by a board of revisors not later than the thirteenth day before polling day.

1989, c. 1, s. 193; 1995, c. 23, s. 18; 2006, c. 17, s. 12, s. 38.

Mobile board of revisors.

194. A mobile board of revisors sits on the days and during the hours determined by the returning officer for the period referred to in section 193.

Visits.

A mobile board of revisors may visit the room or apartment of an elector who is unable to move about and who is domiciled in a residential facility where the board sits, provided a request to that effect was addressed to the returning officer not later than the thirteenth day before polling day.

Visits.

A mobile board of revisors may also, under the same conditions as those set out in the second paragraph, visit an elector who is domiciled or lodged in a place referred to in section 135.1 where a mobile board of revisors has not been set up to allow the elector to submit a request for revision of the list of electors.

Visits.

Despite the second paragraph, a mobile board of revisors present in a facility referred to in the second or third paragraph may, on request, visit the room or apartment of an elector who is unable to move about.

1989, c. 1, s. 194; 1992, c. 38, s. 32; 1995, c. 23, s. 18; 1997, c. 8, s. 12; 2006, c. 17, s. 12, s. 38.

Extension.

195. After consulting with the returning officer, the chair of a board of revisors may extend the hours of the board if the number of requests warrants it.

1989, c. 1, s. 195; 1995, c. 23, s. 18; 1998, c. 52, s. 48; 2006, c. 17, s. 12.

Quorum.

196. Two revisors constitute a quorum.

Majority vote.

Questions submitted to the board of revisors are decided by a majority vote.

Tie vote.

In the case of a tie vote, the chair, or in the absence of the chair, the vicechair has a casting vote.

1989, c. 1, s. 196; 1995, c. 23, s. 18; 2006, c. 17, s. 12.

§2. — *Revision process*

This subdivision will become subdivision 3 upon the coming into force of section 13 of chapter 17 of the Statutes of 2006 on the date set by order of the Government (2006, c. 17, s. 39).

197-198. *(Repealed).*

2001, c. 72, s. 12.

Notice.

198.1. Not later than the twenty-second day preceding polling day, the chief electoral officer shall send to each address a notice containing the information relating to the electors whose names are entered on the list of electors for that address or a notice indicating that no electors' names are entered for that address.

1997, c. 8, s. 13.

Notice.

198.2. The chief electoral officer shall send to each elector from whom he received, after the issue of the order instituting an election, a request for a change to the permanent list of electors a notice informing the elector that he must apply in person to the board of revisors to which his polling division is assigned if he wishes the change requested to be made to the list of electors to be used for the forthcoming poll.

1997, c. 8, s. 13.

Public notice.

199. The chief electoral officer shall publish, in a newspaper circulated in the electoral division, a notice informing electors of the revision process and giving the addresses and hours of the boards of revisors.

1989, c. 1, s. 199; 1995, c. 23, s. 18.

Application for entry.

200. An elector who finds that his name is not entered on the list of electors for the polling subdivision in which he is domiciled on Tuesday of the second week preceding that of the poll may apply in person to the board of revisors to which his polling subdivision is assigned to have his name entered on the list.

Restriction.

The elector may request that the entry of his name be considered for the purposes of the forthcoming poll only.

1989, c. 1, s. 200; 1995, c. 23, s. 18; 1997, c. 8, s. 14.

Application for entry or striking off.

201. An elector who is aware that his name is entered on the list of electors for a polling subdivision other than that in which he is domiciled on Tuesday of the second week preceding that of the poll must, if he wishes to vote, apply in person to the board of revisors to which is assigned the polling subdivision where he wishes to have his name entered on the list of electors. He must at the same time apply to have his name struck off the list of electors for that other polling subdivision.

1989, c. 1, s. 201; 1995, c. 23, s. 18.

Application for entry or striking off.

202. An elector who wishes to avail himself of the provisions of section 3 may apply in person to the board of revisors to which is assigned the polling subdivision where he wishes to have his name entered on the list of electors. If he is aware that his name is entered on the list of electors for a different polling subdivision, he must at the same time apply to have his name struck off the list of electors for that polling subdivision.

1989, c. 1, s. 202; 1995, c. 23, s. 18.

Application for correction.

203. An elector who finds an error in his respect on the list of electors must apply in person to the board of revisors to which his polling subdivision is assigned to have the list corrected.

1989, c. 1, s. 203; 1992, c. 38, s. 33; 1995, c. 23, s. 18.

Application for striking off.

204. An elector who finds that his name is entered on the list of electors for a polling subdivision though he is not entitled thereto, must apply in person to the board of revisors to which his polling subdivision is assigned to have his name struck off the list.

Application for striking off.

An elector who does not wish his name to be on the list of electors shall apply to the board of revisors to have his name struck off the list. He shall indicate whether he wishes that his name be struck off the permanent list of electors.

1989, c. 1, s. 204; 1995, c. 23, s. 18.

Application by relative.

205. An elector who is the spouse or a relative of or a person cohabiting with an elector may present any application concerning the elector on the latter's behalf. The application shall be presented to the board of revisors to which is assigned the polling subdivision of the elector on whose behalf the application is made.

"relative".

In this section, "relative" means the elector's father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, grandson or granddaughter.

1989, c. 1, s. 205; 1995, c. 23, s. 18; 2002, c. 6, s. 138.

Application for entry, striking off or correction.

206. An elector domiciled or living in a facility referred to in section 3 who wishes to avail himself of the provisions of that section may apply in writing to the returning officer to have his name entered on or struck off the list of electors or for a correction thereto.

Applications transmitted to board of revisors.

The returning officer shall transmit the applications received to the board of revisors to which is assigned the polling subdivision in which the facility is situated.

1989, c. 1, s. 206; 1995, c. 23, s. 18.

Application by third person.

207. An elector who finds that the name of a person is entered on the list of electors of his electoral division though the person is not entitled thereto, may apply in person to the board of revisors of the polling subdivision to have the name of that person struck off the list.

Oath.

The elector shall declare under oath that, to his knowledge, the person whose name he is applying to have struck off the list is not entitled to have his name entered on the list of electors for that polling subdivision.

1989, c. 1, s. 207; 1995, c. 23, s. 18.

Oath.

208. Every application presented to a board of revisors must be made under oath.

Evidence.

The board of revisors may require from an applicant any evidence necessary for the making of its decision.

Documents. Applications to have a name entered on the list and applications made under section 206 must be accompanied with two documents of the type determined by the chief electoral officer in support of the information contained in the application.

1989, c. 1, s. 208; 1995, c. 23, s. 18.

Examination of applications. **209.** The board of revisors shall examine forthwith the applications made to it and, in all the cases in which it is able to make an immediate decision, it shall communicate that decision to the elector. Whenever the board of revisors makes a decision in the absence of the elector concerned or of the person having made the application, it shall immediately notify the elector concerned in writing of the decision. The notice shall be served in the manner provided for in section 211.

Examination of requests for changes. The board of revisors shall also examine the requests for verification pursuant to the third paragraph of section 145 that have been transmitted to it by the returning officer pursuant to section 194.

1989, c. 1, s. 209; 1992, c. 38, s. 34; 1995, c. 23, s. 18; 1997, c. 8, s. 15; 1998, c. 52, s. 49; 2001, c. 72, s. 14.

Examination of reports, requests for verification and enumeration slips. **210.** Where the revision follows an enumeration, the board of revisors shall, in addition, examine the reports and requests for verification transmitted to it in accordance with the second paragraph of section 194. It shall also examine the enumeration slips on which the enumerators were unable to enter a date of birth and shall attempt, to the extent possible, to obtain that information.

1989, c. 1, s. 210; 1995, c. 23, s. 18.

Inquiries. **211.** In examining the cases submitted to it, the board of revisors, or any revisor duly authorised by the board, is entitled to make inquiries and summon witnesses.

Summons. The summons of a witness shall be served by the revising officers on the person concerned or, if it cannot be served on him, shall be left at his address.

Certificate. A certificate of the service shall be drawn up by the revising officers in the prescribed form and returned to the board of revisors.

1989, c. 1, s. 211; 1995, c. 23, s. 18.

Notice. **212.** Before striking off or refusing to enter a person's name, the board of revisors must convene the person by way of a written notice stating the grounds for the decision it intends to make, except where the person is present or where the board is satisfied, on the basis of the evidence presented to it, that the person the striking off of whose name is applied for is under curatorship or is dead.

Service. The notice must be of at least one clear day and shall be served by the revising officers on the person concerned or, if it cannot be served on him, shall be left at the address entered on the list of electors or at any other place where the board of revisors or the revising officers have reason to believe the person may be found.

Certificate. A certificate of the service shall be drawn up by the revising officers in the prescribed form and returned to the board of revisors.

1989, c. 1, s. 212; 1995, c. 23, s. 18.

Exception. **212.1.** Notwithstanding section 212, the board of revisors is not required to convene a person by way of a written notice before striking off or refusing to enter the person's name where the person was met by the revising officers and confirmed not being a qualified elector.

1998, c. 52, s. 50.

Advocate. **213.** The person concerned by an application, and the witnesses summoned by the board of revisors, have the right to be assisted by an advocate.

1989, c. 1, s. 213; 1995, c. 23, s. 18.

Name already entered. **214.** Before entering the name of an elector on the list of electors, the board of revisors must ascertain that the elector's name is not already entered thereon.

Striking off. If the name is already entered, the board of revisors shall first strike it off, in which case it is not necessary to send the notice provided for in section 212.

Temporary striking off. In the case of an application made under section 3, the board of revisors shall indicate that a name is entered and, where applicable, struck off only for the current election.

1989, c. 1, s. 214; 1995, c. 23, s. 18.

Transfer of entry. **215.** If, on examining an application to have a name struck off the list, the board of revisors concludes that the person concerned is entitled to have his name entered on the list of electors of another polling subdivision, the board of revisors shall enter the person's name thereon after striking it off the list on which it was originally entered.

1989, c. 1, s. 215; 1995, c. 23, s. 18.

Citizenship. **216.** Where the board of revisors must decide whether a person is a Canadian citizen, the burden of proof shall be upon that person.

1989, c. 1, s. 216; 1995, c. 23, s. 18.

Powers of the board. **216.1.** The board of revisors, on its own initiative or on an application, may review or revoke a decision to strike off or refuse to enter a person's name

(1) where a new fact is discovered which, had it been known in time, could have warranted a different decision;

(2) where the person concerned, owing to reasons considered sufficient, could not present observations.

Special board of revisors.

Upon the completion of the work of the board of revisors, its powers under this section may be exercised by the special board of revisors.

1998, c. 52, s. 51.

Decisions transmitted to returning officer.

217. The board of revisors shall transmit its decisions to the returning officer in accordance with the directives of the chief electoral officer.

Applicable provisions.

The provisions of sections 40.34 to 40.36, adapted as required, shall then be applied.

1989, c. 1, s. 217; 1995, c. 23, s. 18.

Revised list to candidates.

218. Not later than Saturday of the second week preceding that of the poll, the returning officer shall transmit the revised list of electors to each candidate. The list must enable the changes that have been made during revision to be identified.

List of electors outside Québec.

The returning officer shall also transmit to each candidate the list of the electors who have become entitled to exercise their right to vote outside Québec since the issue of the order instituting the election.

Form of list.

Such lists shall be transmitted in computerized form and in two copies.

Form of list.

The chief electoral officer shall transmit the lists in computer form to the authorized parties represented in the National Assembly and to any other authorized party having so requested.

1989, c. 1, s. 218; 1995, c. 23, s. 18; 1997, c. 8, s. 16; 2001, c. 2, s. 15; 2001, c. 72, s. 15.

219. *(Replaced).*

1995, c. 23, s. 18.

§4. — *Special boards of revisors*

Sittings.

220. A special board of revisors must sit at the returning officer's main office, and any other special boards of revisors, at one of the returning officer's branch offices or at any other place determined by the returning officer.

1989, c. 1, s. 220; 1995, c. 23, s. 18; 2006, c. 17, s. 14.

Team.

221. The returning officer may appoint a team of two revising officers to assist a special board of revisors.

1989, c. 1, s. 221; 1995, c. 23, s. 18; 2006, c. 17, s. 14.

Sittings.

222. A special board of revisors sits from 9:00 a.m. to 9:00 p.m. Monday to Friday, and from 9:00 a.m. to 5:00 p.m. Saturday and Sunday, from the twelfth to the fourth day before polling day.

Time limit.

Requests must be filed with or received by a special board of revisors not later than 2:00 p.m. on the fourth day before polling day.

1989, c. 1, s. 222; 1995, c. 23, s. 18; 2006, c. 17, s. 14, s. 38.

Requests.

223. Only the elector concerned may file a request with a special board of revisors. However, a special board of revisors may receive a request for removal concerning a deceased elector.

1989, c. 1, s. 223; 1995, c. 23, s. 18; 2006, c. 17, s. 14.

Prohibition.

224. Subject to section 216, a person who was refused registration or was removed from the list by a board of revisors or a mobile board of revisors may not request registration during the special revision process.

1989, c. 1, s. 224; 1995, c. 23, s. 18; 2006, c. 17, s. 14.

Prohibition.

225. An elector who is registered by a special board of revisors may not vote in the advance poll.

1989, c. 1, s. 225; 1995, c. 23, s. 18; 2006, c. 17, s. 14.

Changes.

226. The changes made by a special board of revisors are recorded in abstracts of changes or are incorporated into the list of electors by the person designated by the returning officer.

1989, c. 1, s. 226; 1995, c. 23, s. 18; 2006, c. 17, s. 14, s. 37.

Sending of the revised list to candidates.

227. Not later than the third day before polling day, the returning officer sends each candidate the revised list of electors or the abstracts of changes showing the changes made by a special board of revisors.

Form of list.

The list or the abstracts of changes are sent in electronic form; candidates may obtain a paper copy on request.

Sending to authorized parties.

The Chief Electoral Officer sends the list in electronic form to the authorized parties represented in the National Assembly and to any other authorized party having so requested.

1989, c. 1, s. 227; 1992, c. 38, s. 35; 1995, c. 23, s. 19; 2006, c. 17, s. 14, s. 37.

Provisions applicable.

228. Unless otherwise provided, subdivisions 2 and 3 apply to special boards of revisors, with the necessary modifications.

1989, c. 1, s. 228; 1992, c. 38, s. 36; 1995, c. 23, s. 19; 2006, c. 17, s. 14.

§5. — *Board of revisors for electors outside Québec*

Establishment.

229. The Chief Electoral Officer establishes a board of revisors at the Chief Electoral Officer's office to receive requests for revision concerning electors who have the right to vote outside Québec.

1989, c. 1, s. 229; 1995, c. 23, s. 19; 2001, c. 2, s. 16; 2006, c. 17, s. 14.

Provisions applicable.

230. Sections 181, 182, 184 to 186, 188, 189 and 196 apply to the establishment and operation of the board of revisors, with the necessary modifications.

Revising officers.

However, no team of revising officers is assigned to the board of revisors.

1989, c. 1, s. 230; 1992, c. 38, s. 37; 1995, c. 23, s. 19; 1998, c. 52, s. 52; 2006, c. 17, s. 14.

Sittings.

231. The board of revisors sits from the twenty-first to the fourth day before polling day, on the days and during the hours determined by the Chief Electoral Officer.

Time limit.

However, requests for removal must be submitted by electors not later than the thirteenth day before polling day.

1989, c. 1, s. 231; 1995, c. 23, s. 19; 1998, c. 52, s. 53; 2006, c. 17, s. 14, s. 38.

231.1-231.14. *Replaced).*

2006, c. 17, s. 14.

Request by third person.

232. An elector who finds that a person not entitled to be registered on the list of electors having the right to vote outside Québec for the elector's electoral division is so registered may submit a request for removal of that person to a board of revisors in the electoral division.

Declaration.

The elector declares that, to his or her knowledge, the person is not entitled to be registered on the list of electors having the right to vote outside Québec, for the reasons put forward to the board.

1989, c. 1, s. 232; 1992, c. 38, s. 38; 2006, c. 17, s. 14.

Inquiries.

233. The board of revisors sends the request for removal to the board of revisors for electors outside Québec, which makes the relevant inquiries with the assistance, if necessary, of the revising officers assigned to the boards of revisors in the different electoral divisions concerned.

1989, c. 1, s. 233; 1995, c. 23, s. 20; 2006, c. 17, s. 14.

Observations.

233.1. Before removing a person from the list, the board of revisors must try to contact the person so that he or she may submit observations.

2006, c. 17, s. 14.

Transfer of registration.

233.2. If, on examining a request for removal, the board of revisors concludes that the person is entitled to be registered on the list of electors for the polling subdivision in which the person is domiciled, the board of revisors registers the person on that list after removing the person from the list of electors having the right to vote outside Québec.

2006, c. 17, s. 14.

Notice.

233.3. If the board of revisors concludes that a person must be removed from the list, it notifies the person of its decision in writing.

Decision.

The board of revisors sends the decision to the Chief Electoral Officer, who forwards it to the personnel assigned to the handling of ballot papers for electors voting outside Québec.

2006, c. 17, s. 14.

Removal.

233.4. If the Chief Electoral Officer finds that an elector has acquired the right to vote outside Québec since the order instituting the election was issued and that the elector is registered on the list of electors for the polling subdivision in which the elector is domiciled, the Chief Electoral Officer directs the returning officer concerned to remove the elector from that list.

2006, c. 17, s. 14.

Request for registration.

233.5. An elector having the right to vote outside Québec who wishes to vote in the polling subdivision in which the elector is domiciled on the thirteenth day before polling day must submit a request for registration to the board of revisors for the electoral division. If the request is granted, the elector is registered on the list of electors for the polling subdivision in which the elector is domiciled after being removed from the list of electors having the right to vote outside Québec.

Decision.

The board of revisors sends the decision to remove the elector from the list to the Chief Electoral Officer, who forwards the decision to the personnel assigned to the handling of ballot papers for electors voting outside Québec.

2006, c. 17, s. 14, 38.

Abstract.

233.6. On completing its work, the board of revisors sends the returning officer of each electoral division concerned an abstract of the changes it has made to the list of electors having the right to vote outside Québec for the electoral division.

Transmission to candidates.

The returning officers send this abstract to each candidate.

2006, c. 17, s. 14.

§6. — *Sending of the revised list of electors*

Permanent list of electors.

233.7. For the purpose of updating the permanent list of electors, the returning officer sends the Chief Electoral Officer the revised list of electors, which must specify, if that is the case, that the registration or removal of an elector is effective for the upcoming election only.

2006, c. 17, s. 14.

CHAPTER IV

CANDIDATES

Qualification.

234. Any elector may be elected to the National Assembly.

1989, c. 1, s. 234.

Disqualification.

235. Notwithstanding the preceding section, the following persons are not qualified to be elected:

(1) judges of the courts of justice;

(2) the chief electoral officer, commissioners of the Commission de la représentation and returning officers;

(3) the official agent of a candidate or of a political party;

(4) Members of the Parliament of Canada;

(5) a person convicted of an indictable offence punishable by two years of imprisonment or more, for the term of the sentence pronounced.

Disqualification.

The following persons, also, are not qualified to be elected for the period fixed in this Act:

(1) a candidate at a previous election whose official agent has not produced a return of election expenses or the statement provided for in section 432;

(2) an independent candidate contemplated in section 125;

(3) a person contemplated in sections 127 and 442;

(4) a person convicted of a corrupt electoral or referendum practice.

1989, c. 1, s. 235; 1990, c. 4, s. 964; 1997, c. 8, s. 17.

Single candidacy.

236. No person may be a candidate for election in more than one electoral division at the same time.

1989, c. 1, s. 236.

DIVISION I

NOMINATION PAPERS

Filing of nomination paper.

237. A person wishing to be a candidate shall, at any time between 2:00 p.m. on the second day following the day of issue of the order and 2:00 p.m. on the sixteenth day preceding polling day, file a nomination paper at the main office of the returning officer.

1989, c. 1, s. 237; 2001, c. 72, s. 17.

Mandatary.

238. A person wishing to be a candidate may designate one or more persons to act in his name as his mandatary.

1989, c. 1, s. 238; 2001, c. 72, s. 18.

Form and contents of nomination paper.

239. A nomination paper shall be in the form prescribed by regulation and signed by the person wishing to be a candidate. The person shall indicate his surname and given name, the address of his domicile, his date of birth, his occupation and his affiliation with an authorized party or, if he so wishes, the mention "independent". In addition, the nomination paper shall bear the name and signature of his official agent and, if he decides to appoint one or more mandataries, the name and signature of his mandatary or mandataries.

1989, c. 1, s. 239; 2001, c. 72, s. 19.

Usual surname and given name.

240. Every candidate may offer himself as a candidate under his ordinary surname and given name provided that it is the name by which he is commonly known in political, professional or social life and that he is acting in good faith.

1989, c. 1, s. 240.

Accompanying documents.

241. A person offering himself as a candidate shall attach to his nomination paper

(1) his act of birth or any other identification paper prescribed by regulation;

(2) a letter from the leader of an authorized party recognizing him as a candidate of that party;

(3) a photograph in accordance with the standards prescribed by regulation and bearing on the back the signatures of two electors of the electoral division who know him.

Attestation of photographs.

The two electors who sign the photograph thereby attest that the photograph is that of the person offering himself as a candidate and that the given name, surname and address appearing on the nomination paper are those of that person.

Applicability.

Subparagraph 2 of the first paragraph does not apply to a person offering himself as a candidate who is the leader of an authorized party.

1989, c. 1, s. 241; 1995, c. 23, s. 21.

Signatures.

242. A nomination paper shall bear the signatures and addresses of a least 100 electors whose names are entered on the list of electors for the electoral division for which the nomination paper is filed.

Collection of signatures.

Only the person offering himself as a candidate and his mandatary or mandataries are authorized to collect the signatures.

1989, c. 1, s. 242; 1998, c. 52, s. 55; 2001, c. 72, s. 20.

Oath.

243. A person collecting supporting signatures shall declare under oath, before the returning officer, that he knows the persons whose names appear on the nomination paper, that they have affixed their signatures in his presence and that, to his knowledge, they are electors of that electoral division.

1989, c. 1, s. 243.

Penalties.

244. The penalties applicable to a person supporting a nomination who is not an elector or who is not domiciled in the electoral division or who signs for another person must be set forth on the form itself.

1989, c. 1, s. 244.

Verification of nomination paper.

245. Upon the filing of a nomination paper, the returning officer shall verify whether it appears to meet the requirements of this division and whether all the required documents are attached to it. The returning officer shall verify whether the electors supporting the nomination are entered on the list of electors for the electoral division.

Notice and receipt.

Following such verifications, the returning officer shall issue a notice of conformity and a receipt, which constitutes proof of the nomination.

1989, c. 1, s. 245; 1998, c. 52, s. 56.

New nomination paper.

245.1. A new nomination paper must be filed where the candidate of an authorized party ceases to be recognized as the candidate of that party, where a candidate wishes to change his affiliation with an authorized party or where an independent candidate wishes to become the recognized candidate of an authorized party.

1995, c. 23, s. 22.

Examination of nomination papers.

246. Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the returning officer, during the election period, may allow an elector to examine, at the main office of the returning officer, any nomination paper received.

Copy of nomination papers.

Notwithstanding the second paragraph of section 10 of the said Act, only a candidate may obtain a copy of a nomination paper.

1989, c. 1, s. 246.

Candidate declared elected.

247. If the returning officer has received only one nomination paper at the end of the period for filing nomination papers, he shall declare the candidate elected and immediately inform the chief electoral officer.

1989, c. 1, s. 247.

DIVISION II

LEAVE OF CANDIDATES AND OFFICIAL AGENTS

Leave without pay.

248. Every employer shall, upon written request, grant a leave without pay to an employee who is a candidate or intends to become one. The request may be made at any time from the date of the order instituting the election.

Duration.

The employee's leave begins on the day requested by the employee and ends on the thirtieth day following the expiry of the period for filing nomination papers if he is not a candidate, or if he is, on the thirtieth day following the declaration of election.

Termination.

The employee may terminate his leave at any time.

1989, c. 1, s. 248.

Leave of official agent.

249. Every employer shall, upon written request, grant a leave without pay to an employee who acts as the official agent of a candidate. The request may be made at any time from the receipt by the returning officer of the nomination paper of the candidate for whom the employee acts as official agent.

Leave of official agent.

Every employer shall, upon written request, grant a leave without pay to an employee who acts as the official agent of an authorized party. The request may be made at any time from the date of the order instituting the election.

Duration.

The employee's leave begins on the day requested by the employee and ends on the one hundred and twentieth day following polling day.

Termination.

The employee may terminate his leave at any time.

1989, c. 1, s. 249; 2001, c. 2, s. 19.

Part-time leave.

250. A leave may be full time or part time, according to the employee's request. Where an employee requests part-time leave, he shall specify the days and hours of his leave.

1989, c. 1, s. 250.

Continuation of benefits.

251. Notwithstanding any agreement or Act inconsistent herewith, an employee is entitled, throughout his leave as a candidate or official agent, to all the benefits attached to his employment, except his remuneration.

1989, c. 1, s. 251.

Contribution to plans.

252. An employee who makes a written request to that effect at the beginning of his leave may, while on leave, continue to contribute to all the plans in which he participates, provided he pays the totality of the premiums, including the employer's contribution.

1989, c. 1, s. 252.

Reinstatement.

253. At the expiry of the leave, the employer shall reinstate the employee, with the conditions of employment prevailing before the beginning of the leave or conditions more favourable to the employee, as provided in the collective agreement or, failing that, the agreement between the employer and the employee, taking into account the benefits to which he continued to be entitled during his leave.

1989, c. 1, s. 253.

Employer's obligations.

254. No employer may, by reason of a leave, dismiss, lay off, suspend, demote or transfer an employee or give him less favourable conditions of employment than he is entitled to or diminish any benefit attached to his employment and to which he is entitled.

Employer's obligations.

Nor shall he subtract the duration of the leave from the period of vacation of the employee.

1989, c. 1, s. 254.

Complaints.

255. An employee believing himself or herself to be the victim of a contravention of this division may file a complaint with the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.

Grievance and arbitration.

An employee governed by a collective agreement or the association certified to represent him may elect to invoke the grievance settlement and arbitration procedure instead of filing a complaint with the Commission des relations du travail. Sections 17, 100 to 100.10 and 139 to 140.1 of the Labour Code then apply, adapted as required.

Refusal of arbitration.

Where a complaint is filed with the Commission des relations du travail and at the same time the grievance settlement and arbitration procedure is invoked, the arbitrator must refuse to hear the grievance.

1989, c. 1, s. 255; 2001, c. 26, s. 106.

DIVISION III

WITHDRAWAL OR DEATH OF A CANDIDATE

Declaration of withdrawal.

256. A candidate may withdraw if he files a declaration to that effect with the returning officer, signed by himself and by two electors of the electoral division in which he is a candidate.

Proof required.

The candidate of an authorized party may not withdraw unless he files with the returning officer proof that the leader of the party or one of the officers referred to in paragraph 5 of section 48 was duly informed in writing of the candidate's intention at least 48 hours before the filing of the declaration under the first paragraph.

1989, c. 1, s. 256; 2001, c. 2, s. 20.

Name omitted.

257. The name of the candidate shall not appear on the ballot paper if the declaration of withdrawal is filed with the returning officer within three days after the expiry of the period for filing nomination papers.

Name struck off.

Notwithstanding the foregoing, if the declaration is filed more than three days after the expiry of that period and it is impossible to print new ballot papers, the deputy returning officer shall strike the name of the candidate from every ballot paper.

1989, c. 1, s. 257.

Candidate declared elected.

258. If the candidate withdraws after the publication of the notice of a poll and there remains but one candidate, the returning officer shall declare the latter candidate elected and immediately inform the chief electoral officer.

1989, c. 1, s. 258.

Death of candidate.

259. Where the candidate of an authorized party dies between the twenty-first day preceding polling day and that of the close of the poll, polling day shall be postponed unless the leader of the party informs the chief electoral officer in writing, within 48 hours after the day of the death of the candidate, that the leader does not intend to endorse any other person as a candidate.

Postponement.

If the polling day is postponed, nomination papers must be filed not later than the second Monday after the day of the death of the candidate if that day is a Monday, Tuesday or Wednesday, or the third Monday after the day of the death of the candidate if that day is another day. The poll shall take place on the second subsequent Monday.

Notice to electors.

The returning officer shall, after informing the chief electoral officer, immediately publish, in the manner prescribed by regulation, a notice informing the electors of the new period for filing nomination papers and of the new polling date.

Sections applicable.

If the polling day is not postponed, sections 257 and 258 apply with the necessary modifications.

Death of independent candidate.

The death of an independent candidate does not entail the postponement of the polling day and sections 257 and 258 apply with the necessary modifications.

1989, c. 1, s. 259; 2001, c. 2, s. 21.

CHAPTER IV.1

ELECTION POSTERS AND BILLBOARDS

Election posters and billboards.

259.1. Notwithstanding any inconsistent legislative or regulatory provision, election posters and billboards shall not be subject, during an election period, to any restriction or condition except as provided by this Act.

1998, c. 52, s. 57.

Restrictions.

259.2. Election posters and billboards may be placed on any property, other than buildings, of the Government, public bodies, state enterprises, municipalities and school boards.

Utility poles.

Election posters may also be placed on public utility poles.

1998, c. 52, s. 57.

Requirements.

259.3. Election posters and billboards must be placed so as not to hinder vehicular or pedestrian traffic, interfere visually with road signs or compromise road safety or public security.

1998, c. 52, s. 57.

Restrictions.

259.4. No election poster or billboard may be placed on a classified historic monument or in a classified historic site within the meaning of the Cultural Property Act (chapter B-4) or in a site declared a national historical site under that Act.

1998, c. 52, s. 57.

Restrictions.

259.5. No election poster or billboard may be placed on a monument, a sculpture, a tree, a fire hydrant, a bridge, a viaduct or an electrical tower.

Restrictions.

No election poster or billboard may be placed on a bus shelter or on a public bench, unless space is provided for that purpose, in which case the applicable rules must be complied with.

Restriction.

No election poster or billboard may be placed on the right of way of a road if the right of way is contiguous to a residential immovable.

1998, c. 52, s. 57; 2001, c. 72, s. 21.

Requirements.

259.6. Posters and billboards and their supports must be made of good quality materials and must be safe and be kept in good repair.

Easy removal.

Posters and billboards must be affixed in such a manner that they can be easily removed.

1998, c. 52, s. 57.

Conditions.

259.7. Election posters placed on public utility poles must meet the following conditions:

(1) the highest part of the poster must not be more than five metres above ground;

(2) the poster must not have any metal or wood frame;

(3) the poster must not be affixed with nails or metal fasteners or by means of a device that may damage or leave permanent marks on the pole;

(4) the poster must not obstruct any identification plate on the pole.

Banner, streamer and flag.

Moreover, no banner, streamer or flag may be affixed to a public utility pole.

Removal by workers.

Workers who maintain public utility poles may, if they consider it necessary for the purposes of the work to be done and, except in an emergency, after advising the candidate or, where applicable, the authorized party, remove any election poster from a pole.

1998, c. 52, s. 57; 1999, c. 15, s. 8; 2001, c. 72, s. 22.

Removal.

259.8. All election posters and billboards must be removed not later than 15 days after the polling date, failing which they may be removed by the local municipality or by the owner of the property or poles, at the expense of the party or candidate concerned or, where applicable, of the private intervenor within the meaning of Division V of Chapter VI, following the expiry of a five-day notice to that effect transmitted to the party, candidate or private intervenor.

Notice and bill.

The notice shall indicate the places where posters or billboards are to be removed. If posters or billboards had to be removed by the municipality or by the owner at the expense of the party, candidate or private intervenor, the bill shall indicate the place and date of removal.

1998, c. 52, s. 57.

Compliance.

259.9. The party, candidate or private intervenor shall ensure that the provisions of this chapter are complied with.

1998, c. 52, s. 57.

CHAPTER V

POLL

DIVISION I

NOTICE OF A POLL

Publication.

260. At the end of the period for filing nomination papers, the returning officer, if he has received more than one nomination paper, shall publish a notice of a poll.

Contents. The notice of a poll shall set forth the surname and given name of each candidate, his political affiliation, if any, his address and the surname and given name of his official agent and of his mandatary, if any.

1989, c. 1, s. 260.

Posting. **261.** The notice of a poll shall be posted up in the office of the returning officer and a copy shall be transmitted to each candidate or his mandatary.

1989, c. 1, s. 261.

DIVISION I.1

ALTERNATIVE VOTING PROCEDURES

Voting procedure. **262.** Electors vote on polling day in accordance with Division III. Alternatively, they may vote, in accordance with Divisions II to II.2, in one of the following manners:

(1) *(not in force)*;

(2) in the case of electors outside Québec and inmates, by mail; or

(3) in an advance poll.

1989, c. 1, s. 262; 1992, c. 38, s. 39; 2006, c. 17, s. 15.

262.1. *(Replaced).*

2006, c. 17, s. 15.

DIVISION II *(not in force)*

263-280. *(not in force)*

2006, c. 17, s. 15.

DIVISION II.1

VOTING BY MAIL

§1. — *Voting by electors outside Québec*

Deeming. **281.** Electors registered to vote outside Québec are deemed to be domiciled at the address of their domicile in Québec.

1989, c. 1, s. 281; 2006, c. 17, s. 15.

Two year limit. **282.** Electors who leave Québec temporarily after being domiciled in Québec for 12 months may vote outside Québec for two years after the date of departure.

Exceptions. The two-year limit does not apply to

(1) an elector posted outside Québec to a position with the government of Québec or Canada;

(2) an elector posted outside Québec to a position with an international organization of which Québec or Canada is a member and to which it pays a contribution; or

(3) an elector who is the spouse or a dependent of an elector referred to in subparagraph 1 or 2.

1989, c. 1, s. 282; 2006, c. 17, s. 15.

Signed request. **283.** An elector who wishes to vote outside Québec must file a signed request stating his or her

(1) name, sex and date of birth;

(2) domiciliary address in Québec or last domiciliary address in Québec;

(3) date of departure from Québec;

(4) projected date of return to Québec; and

(5) postal address outside Québec.

Declaration. A declaration that the elector intends to return to Québec and a photocopy of the document or documents determined by regulation of the Chief Electoral Officer must be filed with the request in support of the information it contains.

Proof. In the case of an elector described in the second paragraph of section 282, proof of the posting outside Québec must also be filed with the request.

1989, c. 1, s. 283; 2006, c. 17, s. 15.

Information. **284.** The Chief Electoral Officer incorporates into the permanent list of electors the information that will allow electors registered to vote outside Québec to do so.

1989, c. 1, s. 284; 2006, c. 17, s. 15.

Electors returning to Québec. **285.** Electors who return to Québec must notify the Chief Electoral Officer.

1989, c. 1, s. 285; 2006, c. 17, s. 15.

Removal of information. **286.** The Chief Electoral Officer removes from the permanent list of electors the information allowing an elector to vote outside Québec if the elector notifies the Chief Electoral Officer that he or she has returned to Québec or if the elector has been outside Québec for more than two years, unless, in the latter case, the elector is an elector described in the second paragraph of section 282.

1989, c. 1, s. 286; 1992, c. 38, s. 48; 2006, c. 17, s. 15.

Voting materials.

287. The Chief Electoral Officer sends each elector whose request for registration to vote outside Québec was filed in accordance with section 283 and received by the Chief Electoral Officer no later than the nineteenth day before polling day the required voting materials, a list of the places where the elector may consult the list of candidates and the address of the Chief Electoral Officer's website on which that list is posted.

Ballot paper.

The ballot paper must be printed according to the model provided in Schedule IV.

1989, c. 1, s. 287; 1992, c. 38, s. 49; 2006, c. 17, s. 15.

List of candidates.

288. Not later than the fourteenth day before polling day, the Chief Electoral Officer sends each elector the list of candidates for the elector's electoral division, and sends the list of candidates for each electoral division to the places determined by order of the Government.

1989, c. 1, s. 288; 1992, c. 38, s. 50; 2006, c. 17, s. 15.

Casting of votes.

289. Electors cast their vote by writing the given name and family name of the candidate of their choice on the ballot paper. They may add the name of the political party or the word "Independent", if applicable.

1989, c. 1, s. 289; 1992, c. 38, s. 51; 1994, c. 23, s. 16; 2006, c. 17, s. 15.

Procedure.

290. Electors place the ballot paper in an unidentified envelope, seal the envelope and place it in another envelope, bearing their signature, on which they write their name and last domiciliary address in Québec.

1989, c. 1, s. 290; 1992, c. 38, s. 52; 2006, c. 17, s. 15.

Ballot papers.

291. Electors send their ballot papers to the Chief Electoral Officer.

1989, c. 1, s. 291; 2006, c. 17, s. 15.

Verification of signature.

292. As soon as it is received, the Chief Electoral Officer verifies the signature on the envelope. If it matches the signature on the request provided for in section 283, the envelope is kept without being opened.

Unmatching signature.

If the signatures do not match, the envelope is rejected without being opened.

Verification of ballot paper.

In addition, the Chief Electoral Officer verifies whether the ballot paper is from an elector removed from the list of electors by the board of revisors. If such is the case, the Chief Electoral Officer rejects the envelope without opening it.

1989, c. 1, s. 292; 1992, c. 21, s. 161; 2006, c. 17, s. 15.

Ballots counted.

293. Only ballot papers received at the Chief Electoral Officer's office before the polling stations' closing time on polling day are counted.

1989, c. 1, s. 293; 1995, c. 23, s. 24; 2002, c. 6, s. 139; 2006, c. 17, s. 15.

293.1-293.5. *(Replaced).*

2006, c. 17, s. 15.

§2. — *Voting by inmates*

Domicile.

294. Inmates are presumed to be domiciled at the address of their domicile on the date of imprisonment.

1989, c. 1, s. 294; 2006, c. 17, s. 15.

Registration.

295. To vote, inmates must be registered on the list of electors for their house of detention.

Revision process not applicable.

The revision process provided for in Division IV of Chapter III does not apply to inmates.

1989, c. 1, s. 295; 2006, c. 17, s. 15.

List of inmates qualified to vote.

296. In a general election, the warden of a house of detention draws up a list of the inmates who are electors. The list must include the name, domiciliary address, sex and date of birth of each elector.

Verification.

The warden asks each elector whether he or she wishes to be registered on the list of electors, and if so, has the elector confirm and sign the relevant information appearing on the list drawn up under the first paragraph.

Transmission of list.

The warden sends the list of electors for the house of detention and the original of the electors' signatures to the Chief Electoral Officer not later than the sixteenth day before polling day.

1989, c. 1, s. 296; 1995, c. 23, s. 25; 2006, c. 17, s. 15.

297. *(not in force)*

2006, c. 17, s. 15.

Ballot paper.

298. Inmates vote on a ballot paper printed according to the model without counterfoil or stub provided in Schedule III.

Provisions applicable.

Sections 290 to 293 apply, with the necessary modifications.

1989, c. 1, s. 298; 1995, c. 23, s. 26; 1998, c. 52, s. 59; 2006, c. 17, s. 15.

Agreement.

299. To encourage and facilitate voting by inmates, the Chief Electoral Officer may make any appropriate agreement with the authorities responsible for houses of detention established under an Act of the Parliament of Canada or the Parliament of Québec.

1989, c. 1, s. 299; 2006, c. 17, s. 15.

DIVISION II.2

ADVANCE POLLING

§1. — *General provisions*

Advance polling stations.

300. Not later than the twenty-eighth day before polling day, the returning officer in an electoral division must set up as many advance polling stations as necessary and determine the corresponding polling subdivisions. The returning officer immediately informs each candidate and each authorized party authority at the division level.

Handicapped persons.

Advance polling stations must be handicapped-accessible.

1989, c. 1, s. 300; 2006, c. 17, s. 15.

Notice.

301. Not later than the twenty-second day before polling day, the Chief Electoral Officer sends to each address a notice informing electors of where and when advance polling will take place.

1989, c. 1, s. 301; 2006, c. 17, s. 15.

Provisions applicable.

301.1. Unless inconsistent with this division, sections 305, 307 to 317, 320 to 329, 331, 332, 334 and 335.1 to 354 apply to advance polling, with the necessary modifications.

Reduced staff.

However, there is no list officer during advance polling.

2006, c. 17, s. 15.

Opening hours.

301.2. Advance polling stations are open from 9:30 a.m. to 8:00 p.m. on the eighth and seventh days before polling day.

2006, c. 17, s. 15.

Entries in poll book.

301.3. After the advance polling station closes on the first day, the poll clerk records in the poll book the information referred to in section 362.

Duties of deputy returning officer.

The deputy returning officer places in separate envelopes the ballot papers that are in the ballot box, the spoiled or cancelled ballot papers, the unused ballot papers, the forms and the list of electors; the deputy returning officer then seals the envelopes. The deputy returning officer places the envelopes, except the one containing the list of electors, and the poll book in the ballot box and seals it with a safety seal bearing a number.

Initials.

The deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals on the envelopes and on the ballot box.

Ballot box.

The deputy returning officer then gives the ballot box, the envelope containing the list of electors and a list of the electors who have voted to the returning officer or the person designated by the returning officer.

2006, c. 17, s. 15.

Second day.

301.4. At the beginning of the second day, in the presence of the poll clerk and the representatives in attendance, the poll book and the envelopes containing the forms, the unused ballot papers and the list of electors are returned to the deputy returning officer.

Closing of polling station.

At the close of the advance polling station, the poll clerk records in the poll book the information referred to in section 362. The deputy returning officer then proceeds as in section 301.3.

2006, c. 17, s. 15.

List of voters.

301.5. At the end of each day, the returning officer sends the candidates a list of the electors who voted in the advance poll.

2006, c. 17, s. 15.

§2. — *Polling stations set up in residential facilities*

Residential facility.

301.6. The returning officer sets up an advance polling station in every residential facility described in section 180.

2006, c. 17, s. 15.

Advance polling days.

301.7. The poll is held on the eighth and seventh days before polling day during the hours determined by the returning officer for each residential facility.

2006, c. 17, s. 15.

Electors in residential facilities.

301.8. An elector domiciled in a residential facility who wishes to vote in an advance poll must vote in the advance polling station set up in that facility.

Elector unable to move about.

An elector described in the first paragraph who is unable to move about may vote in his or her apartment or room provided a request to that effect is addressed to the returning officer not later than the thirteenth day before polling day and provided the elector is registered on the list of electors for the polling subdivision in which the residential facility is located.

2006, c. 17, s. 15, s. 38.

List.

301.9. The returning officer draws up a list of the electors who have made a request under the second paragraph of section 301.8 and sends a copy to the candidates.

2006, c. 17, s. 15.

Staff.

301.10. A polling station set up in a residential facility is staffed by a deputy returning officer and a poll clerk appointed by the returning officer.

2006, c. 17, s. 15.

Identity verification panel.

301.11. The deputy returning officer and the poll clerk act as members of the identity verification panel, and sections 335.1 to 335.4 apply with the necessary modifications.

2006, c. 17, s. 15.

Temporary interruption.

301.12. At a suitable time, the deputy returning officer must temporarily stop receiving votes at the polling station and take all the necessary materials to the room or apartment of an elector on the list drawn up under section 301.9 who is unable to move about.

Candidate representatives.

The representatives of the candidates are not admitted into the elector's room or apartment.

2006, c. 17, s. 15.

Elector unable to move about.

301.13. Despite the second paragraph of section 301.8, the officers staffing a polling station set up in a residential facility may, on request, go to the room or apartment of an elector who is unable to move about.

2006, c. 17, s. 15.

Access and cooperation.

301.14. The institution or the operator of a residential facility must facilitate access to the polling station in the facility and cooperate with the deputy returning officer and the poll clerk.

2006, c. 17, s. 15.

§3. — *Mobile advance polling stations*

Applicability.

301.15. This subdivision applies to electors domiciled or lodged in a facility maintained by an institution that operates a hospital centre or a rehabilitation centre or in a residential facility within the meaning of section 180 where no polling station has been set up.

2006, c. 17, s. 15.

Mobile polling stations.

301.16. The returning officer determines which advance polling stations are to serve as mobile advance polling stations.

Days and hours.

The mobile advance poll is held on the ninth and sixth days before polling day during the hours determined by the returning officer.

2006, c. 17, s. 15.

Conditions.

301.17. An elector described in section 301.15 may vote at a mobile polling station if the elector

(1) addressed a request to that effect to the returning officer not later than the thirteenth day before polling day;

(2) is registered on the list of electors for the polling subdivision in which the facility is located; and

(3) is unable to move about.

2006, c. 17, s. 15, s. 38.

Provisions applicable.

301.18. Sections 301.9 to 301.11, the second paragraph of section 301.12 and sections 301.13 and 301.14 apply to mobile advance polling stations, with the necessary modifications.

2006, c. 17, s. 15.

§4. – *Voting by electors at their domiciles*

301.19. Electors who are unable to move about for health reasons may vote at a domiciliary polling station at their domicile if they

(1) address a request to that effect to the returning officer not later than the fourteenth day before polling day;

(2) are registered on the list of electors for the polling subdivision at which they are domiciled; and

(3) send the returning officer a declaration that they are unable to move about for health reasons, by mail, by fax or by an electronic means that can reproduce a signature. The declaration must be signed by the elector or, if the elector is unable to sign the declaration, by the elector's spouse or a relative within the meaning of section 204* or by a person living with the elector, and by a witness.

2006, c. 17, s. 15.

* *Section 204, as replaced by section 13 of chapter 17 of the statutes of 2006, comes into force on 15 February 2007 only for the purposes of the implementation of paragraph 3 of this section. Section 204 reads as follows:*

> *"**204.** An elector who is the spouse or a relative of or lives with an elector may submit a request concerning the elector on the latter's behalf.*
>
> *In this section, "relative" means the elector's father, mother, grandfather, grandmother, stepfather, stepmother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, grandson or granddaughter."*

301.20. The returning officer sets up as many domiciliary polling stations as necessary.

2006, c. 17, s. 15.

301.21. Domiciliary polling stations may visit electors' domiciles during the period referred to in section 263*.

2006, c. 17, s. 15.

* *Section 263, as replaced by section 15 of chapter 17 of the statutes of 2006, comes into force on 15 February 2007 only for the purposes of the implementation of this section. Section 263 reads as follows:*

> *"**263.** Electors may vote at the returning officer's main office or at one of the returning officer's branch offices in the electoral division of their domicile, from the eleventh day to the ninth day before polling day and from the sixth day to the fourth day before polling day. On the last day, voting ends at 2:00 p.m."*

301.22. Sections 301.9 to 301.11 and the second paragraph of section 301.12 apply, with the necessary modifications.

2006, c. 17, s. 15.

DIVISION III

POLLING DAY

§1. — *Preparation for the poll*

Polling stations

Polling stations.

302. The returning officer shall establish a polling station for each polling subdivision.

Number of electors.

Notwithstanding the foregoing, the returning officer shall establish several polling stations for any polling subdivision with more than 350 electors.

Additional polling stations.

Where a polling subdivision comprises 300 to 350 electors, the returning officer may, where he considers it expedient, establish more than one polling station.

Single polling station.

Where a polling subdivision is an unorganized territory or contains fewer than 50 electors, the returning officer may establish a single polling station for that polling subdivision and the nearest polling subdivision.

Notification to candidates.

He shall inform each candidate of the place where the polling station of each polling subdivision is situated not later than the twelfth day before polling day.

1989, c. 1, s. 302; 1992, c. 38, s. 53; 1998, c. 52, s. 60.

Access.

303. The polling stations of an electoral precinct shall be grouped and situated in a place of convenient access, and shall be accessible to handicapped persons.

Number of polling stations.

However, where a special circumstance or where the area of the electoral precinct justifies it, the returning officer may establish the polling stations in more than one place.

Authorization.

Furthermore, where the returning officer is unable to establish a polling station in a place accessible to handicapped persons, he must obtain the authorization of the chief electoral officer before establishing the polling station in a place that is not accessible to the handicapped. The chief electoral officer shall note, in the return published under section 381, the cases where such authorization was granted.

1989, c. 1, s. 303; 1992, c. 38, s. 54; 1995, c. 23, s. 27; 1998 c. 52, s. 61.

304. *(Repealed).*

2006, c. 17, s. 16.

Free use of premises.

305. Municipalities, school boards or institutions governed by the Act respecting health services and social services (chapter S-4.2) or by the Act respecting health services and social services for Cree Native persons (chapter S-5) and residences for the elderly listed in the register established under the Act respecting health services and social services shall allow the use of their premises free of charge for the establishment of polling stations.

1989, c. 1, s. 305; 1992, c. 21, s. 163; 1994, c. 23, s. 23; 2006, c. 17, s. 17.

School holiday.

306. Polling day is a holiday for pupils in every school of a school board situated in an electoral division in which an election is held.

Students who are electors.

Every educational institution shall, on polling day, grant leave to those pupils and students who are electors.

1989, c. 1, s. 306.

Identification of polling station.

307. The chief electoral officer shall give such directives as he considers expedient to the returning officer on the manner of arranging and identifying a place where a polling station is established.

Location of polling stations.

In particular, the returning officer shall ensure that places where polling stations are located are arranged in such a manner that electors appearing before the identity verification panel do not hinder or delay the polling proceedings.

1989, c. 1, s. 307; 1999, c. 15, s. 10.

Polling officers

Polling officers.

308. Deputy returning officers, poll clerks, officers assigned to the list of electors, members of the identity verification panel and officers in charge of information and order are polling officers.

1989, c. 1, s. 308; 1992, c. 38, s. 55; 1995, c. 23, s. 28; 1999, c. 15, s. 11; 2001, c. 2, s. 26.

Information and order.

309. The returning officer shall appoint an officer in charge of information and order at every place where a polling station is located.

Duties.

The officer in charge of information and order shall have the following duties in particular:

(1) to receive the electors and direct them towards the polling station corresponding to their polling subdivision;

(2) to ensure accessibility to the polling stations and facilitate circulation therein;

(3) to ensure that only one person at a time is admitted to a polling station;

(4) to ensure that only the electors present on the premises of a polling station at closing time are admitted to exercise their right to vote;

(5) to ensure that only persons authorized to be present on the premises of a polling station are present;

(6) to inform the returning officer of any situation requiring his intervention.

1989, c. 1, s. 309.

Deputy returning officer.

310. In every polling station, the returning officer shall appoint, as deputy returning officer, the person recommended by the candidate of the authorized party whose candidate came first at the last election or by the independent Member elected as such if he is again a candidate.

Poll clerk.

He shall appoint, as poll clerk, the person recommended by the candidate of the authorized party whose candidate came second at the last election.

1989, c. 1, s. 310.

Officers assigned to the list of electors.

310.1. In every polling station, the returning officer shall appoint two persons to act as officers assigned to the list of electors, one recommended by the candidate of the authorized party whose candidate came first at the last election or by the independent Member elected as such if the Member is again a candidate, and the other recommended by the candidate of the authorized party whose candidate came second at that election.

2001, c. 2, s. 27.

Criteria for recommendations.

311. In a new electoral division, in an electoral division whose boundaries have been changed since the last election or in an electoral division in which no candidate of an authorized party came second at the last election or where persons who would have been entitled to recommend the person to be appointed as deputy returning officer, poll clerk or officer assigned to the list of electors are not candidates, the chief electoral officer shall decide, in accordance with the criteria provided by regulation, which candidates are entitled to make the recommendations provided for in section 310 or 310.1.

1989, c. 1, s. 311; 2001, c. 2, s. 28.

Final date for recommendations.

312. The recommendations must be received by the returning officer not later than the fourteenth day before polling day.

Refusal.

The returning officer may, on reasonable grounds, refuse a recommendation. In such a case, he shall request a new recommendation.

Appointment.

Where no recommendation has been received, or where the person recommended is not qualified to hold the office, the returning officer shall make the appointment without any other formality.

1989, c. 1, s. 312; 1995, c. 23, s. 29.

Identity verification panels.

312.1. The returning officer shall establish an identity verification panel for every place where a polling station is located. With the authorization of the chief electoral officer, more than one panel may be established.

Composition.

An identity verification panel is composed of three members, including a chairman, appointed by the returning officer. Sections 310 to 312 apply with the necessary modifications to the appointment of the panel members other than the chairman.

Function.

The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the second paragraph of section 337. Decisions are made by a majority vote.

1999, c. 15, s. 12.

List of officers assigned to the list of electors.

313. On the twelfth day before polling day, the returning officer shall post up in the returning officer's offices and transmit to each candidate the list of the identity verification panel members, deputy returning officers, poll clerks and officers assigned to the list of electors he has appointed.

Changes to the list.

He shall, without delay, inform the candidates of any changes to the list.

1989, c. 1, s. 313; 1999, c. 15, s. 13; 2001, c. 2, s. 29; 2006, c. 17, s. 18.

Duties of deputy returning officer.

314. The deputy returning officer shall have the following duties in particular:

(1) to see to the arrangement of the polling station;

(2) to ensure that the polling is properly conducted and maintain order;

(3) to facilitate the exercise of the right to vote and ensure the secrecy of the vote;

(4) to proceed with the counting of the votes;

(5) to transmit the results of the vote to the returning officer and give the ballot box to him.

1989, c. 1, s. 314.

Duties of poll clerk.

315. The poll clerk shall have the following duties in particular:

(1) to enter in the poll book the particulars relating to the conduct of the polling;

(2) to assist the deputy returning officer.

1989, c. 1, s. 315.

Duties. **315.1.** The officers assigned to the list of electors shall have, in particular, the duty of informing the poll runners, in accordance with the directives of the chief electoral officer, as to the electors who have exercised their right to vote.

2001, c. 2, s. 30.

Representatives

Representative of the candidate. **316.** A candidate may attend every operation related to the poll. He may also designate a person and give him a power of attorney to represent him before the deputy returning officer or the officer in charge of information and order, or before each of them.

1989, c. 1, s. 316.

Power of attorney. **317.** The power of attorney shall be signed by the candidate or his mandatary and be presented to the deputy returning officer or to the officer in charge of information and order, as the case may be. It is valid for the duration of the polling and of the counting.

1989, c. 1, s. 317.

Poll runners

Poll runners. **318.** A candidate may also designate, on polling day, a person for each place where polling stations are established, and give him a power of attorney to collect a list of the persons who have already exercised their right to vote. That person may be the person he has designated as his representative before the officer in charge of information and order.

1989, c. 1, s. 318.

Power of attorney. **319.** The power of attorney shall be signed by the candidate or his mandatary and be presented to the deputy returning officer or to the officer in charge of information and order, as the case may be. It is valid for the duration of the polling.

1989, c. 1, s. 319.

Ballot papers and ballot boxes

Printing. **320.** The returning officer shall cause ballot papers to be printed in accordance with the model provided in Schedule III and according to the directives of the chief electoral officer.

Obligation of the printer.

The printer shall see that no ballot paper of the model ordered by the returning officer is furnished to any other person.

1989, c. 1, s. 320.

Paper.

321. The paper necessary for the printing of the ballot papers shall be provided by the chief electoral officer. It shall contain a thread which neither the chief electoral officer nor the maker may reveal.

1989, c. 1, s. 321.

Standards.

322. The printer and the paper maker shall comply with the standards prescribed by regulation.

1989, c. 1, s. 322.

Ballot papers.

323. The ballot papers shall have a counterfoil and a stub both bearing the same number on the reverse. The ballot papers shall be numbered consecutively.

Description.

In addition, the ballot papers shall contain, on the reverse, a space reserved for the initials of the deputy returning officer, the name and address of the printer and the designation of the electoral division.

1989, c. 1, s. 323.

Identification of candidates.

324. The ballot papers must allow each candidate to be clearly identified.

Contents.

The ballot papers shall contain, on the obverse, the given name and surname of each candidate in alphabetical order; the given names and surnames must be spelled as in the nomination paper. The denomination of the authorized party must appear under the name of the candidate of that party; the indication "independent" must be entered under the name of the independent candidate if he has indicated it in his nomination paper.

Candidates with identical names.

Where two or more candidates have the same surname and given name, the returning officer shall draw lots to determine the order in which the surname and given name of each those candidates are to appear on the ballot paper.

1989, c. 1, s. 324; 1999, c. 15, s. 14.

Ballot boxes.

325. The chief electoral officer shall cause ballot boxes to be made, in accordance with the standards fixed by him, in sufficient number for each electoral division.

Size and shape.

The ballot boxes shall be made of durable material and be of uniform size and shape, and shall bear the official emblem of Québec.

1989, c. 1, s. 325.

Custody.

326. Between the date of issue of the order instituting the election and that of publication of the notice contemplated in section 380, the returning officer shall have custody of the ballot boxes.

1989, c. 1, s. 326.

Documents given to deputy returning officer.

327. Not later than one hour before the opening of the polling station, the returning officer gives the deputy returning officer a ballot box, the directives concerning the work of the polling officers, a poll book, the required polling materials, the documents needed for the counting of votes and the list of electors for the polling subdivision identifying the changes made by the special board of revisors and including particulars about voting in the advance poll.

Ballot papers.

He shall also give to him a sealed envelope, bearing his initials on the seal, containing a number of ballot papers at least equal to the number of electors entered on the list, without splitting a ballot paper booklet, plus 25.

1989, c. 1, s. 327; 1992, c. 38, s. 56; 1995, c. 23, s. 30; 2006, c. 17, s. 19.

§2. — *The vote*

Preliminary formalities

Presence of election officers.

328. The officer in charge of information and order, the deputy returning officer, the poll clerk, the officers assigned to the list of electors and the members of the identity verification panel shall be present at the polling station one hour before the opening of the poll.

Presence of representatives.

The representatives of the candidates may be present from the same moment. They may attend any operation conducted there.

1989, c. 1, s. 328; 2001, c. 2, s. 31.

Examination of documents.

329. The deputy returning officer, in the presence of the poll clerk, shall open the ballot box and examine the documents found in it and the material required for the poll, complying with the directives issued by the chief electoral officer.

1989, c. 1, s. 329.

330. *(Repealed).*

1992, c. 38, s. 57.

Identification of polling station.

331. The place where the polling stations are located and the polling officers shall be identified in the manner prescribed by regulation.

1989, c. 1, s. 331.

Ballot box sealed.

332. At the hour fixed for opening of the poll, the deputy returning officer and the poll clerk shall ascertain that there are no ballot papers enclosed in the ballot box, after which the ballot box shall be sealed and placed on the table of the polling station in full view of the polling officers.

1989, c. 1, s. 332.

Polling hours

Hours.

333. The polling shall take place from 9:30 a.m. until 8:00 p.m.

1989, c. 1, s. 333; 1999, c. 15, s. 15; 2006, c. 17, s. 20.

Accessibility.

334. During the hours of polling, the chief electoral officer and the returning officer must be easily accessible to the candidates and their mandataries.

1989, c. 1, s. 334.

Time granted for voting.

335. Every employer shall ensure that every employee who is qualified to vote has at least four consecutive hours free to vote while the polling stations are open, not counting the time normally allowed for meals.

Leave of absence.

If an employee does not have such a period outside working hours, the employer shall grant the employee, at the time of day determined by the employer, the leave of absence required so that the employee may have four consecutive hours to vote.

Prohibition.

No deduction of wages or penalty may be imposed on the employee by the employer by reason of the leave of absence.

Contravention.

Section 123 of the Act respecting labour standards (chapter N-1.1) applies to an employee who believes that he has been wronged as a result of a contravention of this section.

1989, c. 1, s. 335; 1995, c. 23, s. 31; 1999, c. 15, s. 16.

Verification of identity of electors

Informing of electors.

335.1. The officer in charge of information and order shall ensure that electors arriving at a place where a polling station is located are informed of the obligation to produce identification in accordance with section 337 and are directed to the identity verification panel if they indicate that they do not have any of the documents prescribed by section 337 in their possession.

1999, c. 15, s. 17.

Obligations of elector.

335.2. An elector who has been directed to the identity verification panel must, if he wishes to be admitted to vote,

(1) declare before the panel members that he is the elector whose name appears on the list of electors and is entitled to be entered on the list in respect of the address appearing opposite his name;

(2) sign the sworn statement provided for that purpose in the register kept by the panel members;

(3) show his face and meet either of the following conditions:

(a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name and date of birth and of the address appearing on the list opposite his name or his domiciliary address; or

(b) be accompagnied by a person who

i. identifies himself in accordance with the first paragraph of section 337;

ii. attests to the identity and address of the elector;

iii. delares that he has not accompanied any other elector other than his spouse or relative within the meaning of section 205;

iv. produces a document referred to in the second paragraph of section 337 that bears his photograph; and

v. signs a sworn statement provided for that purpose in the register kept by the panel members, which statement shall indicate his name, date of birth and address.

Exception. However, a document not bearing a photograph may be produced by a person accompanying an elector if that person resides in a location listed in Schedule I to the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, chapter A-29, r. 2) or in a locality referred to in section 7.8 of the Regulation respecting licences, made by Order in Council 1421-91 (1991, G.O. 2, 4146), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by regulation.

Valid reasons. Despite subparagraphs 2 and 3 of the first paragraph, an elector who is unable to show his face for reasons of physical health that are considered valid by the chief electoral officer or any person designated by the chief electoral officer for that purpose may obtain an authorization allowing him to be identified without showing his face, provided he first signs the sworn statement provided for that purpose in the presence of the members of the verification panel.

Authorization. The chairman of the verification panel shall give the elector the authorization described in the third paragraph.

1999, c. 15, s. 17; 2007, c. 29, s. 5.

Prohibition. **335.3.** No person may write down or otherwise record information contained in a document produced pursuant to section 335.2.

Type of document. This section shall not operate to prevent the members of the identity verification panel from recording, at the request of the chief electoral officer, for statistical purposes and without identifying electors, the type of document produced pursuant to section 335.2.

1999, c. 15, s. 17.

Certificate.

335.4. Where an elector meets the conditions imposed by section 335.2, the chairman of the identity verification panel shall give the elector a certificate attesting that he has validly established his identity.

1999, c. 15, s. 17.

Exercise of the right to vote

One elector.

336. Not more than one elector may, at any time, be admitted to the polling station.

1989, c. 1, s. 336.

Declaration.

337. Each elector shall declare, to the deputy returning officer and the poll clerk, his name and address and, when so required, his date of birth.

Identification.

In addition, each elector shall show his face and identify himself, notwithstanding any incompatible provision, by producing his health insurance card issued by the Régie de l'assurance maladie du Québec, driver's licence or probationary licence issued in plastic form by the Société de l'assurance automobile du Québec, Canadian passport or any other document that has been issued by the Government or a government department or body or recognized by the Government and is determined by regulation of the Government after consultation with the advisory committee.

Inability to produce identification.

Where an elector who has not been directed to the identity verification panel cannot produce identification in accordance with the second paragraph, the deputy returning officer shall invite the elector to submit his case to the members of the panel.

1989, c. 1, s. 337; 1995, c. 23, s. 32; 1999, c. 15, s. 18; 2007, c. 29, s. 6.

Prohibition.

337.1. No person may write down or otherwise record information contained in a document produced by an elector pursuant to the second paragraph of section 337.

Type of document.

This section shall not operate to prevent polling officers from recording, at the request of the chief electoral officer, for statistical purposes and without identifying electors, the type of document produced by electors.

1999, c. 15, s. 19

Conditions of admission.

338. The deputy returning officer shall admit an elector to vote if the elector has not already voted, if he is entered on the list of electors of the polling subdivision, if his name and address and, where applicable, his date of birth, correspond to those appearing on that list and if he has produced identification in accordance with section 335.2 or the second paragraph of section 337.

Oath. Any elector whose designation differs slightly from that appearing on the list of electors may nevertheless be admitted to vote on making the oath in the form prescribed by regulation; an indication thereof shall be entered in the poll book.

1989, c. 1, s. 338; 1995, c. 23, s. 33; 1999, c. 15, s. 20.

Oath. **339.** An elector under whose name another person has already voted may nevertheless be admitted to vote on making the oath in the form prescribed by regulation; an indication thereof shall be entered in the poll book.

1989, c. 1, s. 339.

Authorization to vote. **340.** The returning officer or his assistant may issue an authorization to vote, in the form prescribed by regulation, to any elector

(1) whose name does not appear on the copy of the list of electors used at the polling station but appears on the revised list of electors in the possession of the returning officer;

(2) whose name was not properly entered when a decision of a board of revisors was copied;

(3) whose registration was mistakenly removed from the list of electors because it was confused with that of another elector;

(4) whose registration on the list of electors was changed by the Chief Electoral Officer under section 208;

(5) who has left home for his or her safety or that of his or her children and wishes to vote in the polling subdivision where he or she is residing.

Declaration under oath. An elector who has obtained an authorization under this section shall present it to the deputy returning officer and declare under oath that he is indeed the person who obtained it; an indication thereof shall be entered in the poll book.

Applicability. As regards the address, section 337 does not apply to the elector referred to in subparagraph 3 of the first paragraph.

1989, c. 1, s. 340; 1995, c. 23, s. 34; 2001, c. 72, s. 26; 2006, c. 17, s. 22.

Ballot paper. **341.** The deputy returning officer shall give a ballot paper to the elector who is admitted to vote, after writing his initials in the space reserved for that purpose and detaching it from the counterfoil.

1989, c. 1, s. 341.

Voting procedure. **342.** After receiving a ballot paper, the elector shall enter the polling booth, mark the ballot paper and fold it; he shall allow the initials of the deputy returning officer to be examined by the latter, the poll clerk and every representative of a candidate who wishes to do so; then, in full view of the persons present, the elector shall detach the stub and hand it to the deputy returning officer, who shall destroy it, and the elector himself shall place the ballot paper in the ballot box.

1989, c. 1, s. 342.

Marking of ballot paper.

343. The elector shall mark the ballot paper in one of the circles with a pencil given to him by the deputy returning officer at the same time as the ballot paper.

1989, c. 1, s. 343; 1998, c. 52, s. 62; 2001, c. 2, s. 32.

Indication on list.

344. As soon as an elector has voted, the poll clerk shall indicate it on the list of electors in the space reserved for that purpose.

1989, c. 1, s. 344.

Cancellation of ballot paper.

345. The deputy returning officer shall cancel any ballot paper if the initials appearing on the back of it are not his own, and the poll clerk shall enter an indication thereof in the poll book.

1989, c. 1, s. 345.

Spoiled ballot paper.

346. Where a ballot paper has been inadvertently marked or spoiled, the deputy returning officer shall require the elector to mark each of the circles of the ballot paper. The deputy returning officer shall thereupon cancel the marked or spoiled ballot paper and give a new ballot paper to the elector.

1989, c. 1, s. 346; 1998, c. 52, s. 63.

Assistance.

347. An elector who declares that he or she is unable to mark a ballot paper may be assisted

(1) by the elector's spouse or relative within the meaning of section 205;

(2) by another person, in the presence of the deputy returning officer and the poll clerk assigned to the polling station, provided the person declares under oath not having assisted any other elector during the poll other than the person's spouse or relative within the meaning of section 205; or

(3) by the deputy returning officer, in the presence of the poll clerk.

Poll book.

In all cases, this is recorded in the poll book.

1989, c. 1, s. 347; 1998, c. 52, s. 64; 2001, c. 2, s. 33; 2006, c. 17, s. 23, s. 37.

Visually handicapped person.

348. At the request of any visually handicapped person, the deputy returning officer shall provide that person with a template, in accordance with the model prescribed by regulation, to enable him to vote without assistance. The deputy returning officer shall then indicate to him the order in which the candidates appear on the ballot paper and the indications entered under their names, where such is the case.

1989, c. 1, s. 348.

Deaf or mute person.

349. A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

1989, c. 1, s. 349.

Oath.

350. Before the deputy returning officer remits a ballot paper, he, the poll clerk or the representative of a candidate may require a person to declare under oath, in the form prescribed by regulation, that

(1) he is a qualified elector;

(2) he was domiciled in that polling subdivision on Tuesday of the second week preceding that of the poll or, if he filed an application under section 3, that he resided or had his main office in the polling subdivision on the date of the application;

(3) he has not already voted in the current election;

(4) he has received no benefit intended to engage his support in favour of a candidate;

(5) he has no ballot paper in his possession that may be used in the current election.

Indication in poll book.

The poll clerk shall enter in the poll book the name of the person requiring the declaration and the reasons for the requirement.

1989, c. 1, s. 350; 1995, c. 23, s. 36; 1998, c. 52, s. 65.

Refusal to make oath.

351. In no case may a deputy returning officer give a ballot paper to a person who refuses to make the oath, and an indication thereof shall be entered in the poll book.

1989, c. 1, s. 351.

Publicity prohibited.

352. No person may, on the premises of a polling station, use any sign to indicate his political affiliation or support for or opposition to a party or candidate, or engage in any other form of partisan publicity.

Removal of publicity.

The returning officer may cause any prohibited partisan publicity to be removed if, after being asked to remove it, the party or candidate promoted by the publicity refuses or neglects to do so.

Premises.

The building in which the polling station is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors are considered to be the premises of the polling station.

1989, c. 1, s. 352; 1995, c. 23, s. 37.

Continuation of voting.

353. If it is not possible for the polling to begin at the prescribed time, or if it is interrupted by irresistible force or cannot be concluded for a lack of ballot papers, it shall be continued until it has lasted eleven hours.

1989, c. 1, s. 353; 2001, c. 2, s. 34.

Closing time.

354. Any electors on the premises of a polling station at the hour of closing of the poll who have not voted may exercise their right to vote. The deputy returning officer shall thereafter declare the polling closed.

Waiting line. For the purposes of the first paragraph, the premises of a polling station extend as far as the end of the waiting line of electors entitled to vote at the polling station, as it stands at the hour of closing of the poll.

1989, c. 1, s. 354.

Secrecy of voting

Secrecy. **355.** Voting is secret.

1989, c. 1, s. 355.

Disclosure. **356.** No elector may, on the premises of a polling station, indicate, in any manner, the name of the candidate in favour of whom he intends to vote or has voted.

1989, c. 1, s. 356.

Secrecy. **357.** No candidate, representative or election officer may, on the premises of a polling station, attempt to learn the name of the candidate in favour of whom an elector intends to vote or has voted.

1989, c. 1, s. 357.

Obligation of assistant. **358.** No candidate, election officer or elector who has given assistance to another elector may disclose the name of the candidate for whom the elector has voted.

1989, c. 1, s. 358; 2001, c. 2, s. 35.

Disclosure. **359.** No person may be compelled to disclose for whom he has voted.

1989, c. 1, s. 359.

§3. — *Proceedings after the vote*

Place where votes are counted

Place. **360.** Votes are counted at the Chief Electoral Officer's office, the returning officer's office or the polling station, depending on where the ballot papers are received.

Advance poll. In the case of the advance poll, the returning officer determines where the votes are counted.

1989, c. 1, s. 360; 2006, c. 17, s. 25.

Counting of votes on ballot papers placed in a ballot box

Counting of votes.

361. After the close of the poll, the deputy returning officer, assisted by the poll clerk, counts the votes. The candidates and their representatives may be present.

Advance poll.

When the votes cast during the advance poll are counted, sections 312 and 312.1 do not apply if the deputy returning officer and the poll clerk are not the same as those appointed to act at the advance polling station.

1989, c. 1, s. 361; 2006, c. 17, s. 25.

Entries in poll book.

362. Before the ballot box is opened, the poll clerk records in the poll book

(1) the number of electors who voted;

(2) the number of spoiled or cancelled ballot papers and the number of unused ballot papers; and

(3) the names of the polling officers and the representatives, specifying which are entitled to remuneration.

1989, c. 1, s. 362; 2006, c. 17, s. 25.

Tally sheet.

363. The deputy returning officer, the poll clerk and the representatives use the tally sheet provided by the Chief Electoral Officer for the counting of votes.

1989, c. 1, s. 363; 2006, c. 17, s. 25.

Procedure.

364. The deputy returning officer opens the ballot box, counts the votes by taking the ballot papers out of the ballot box one by one and allows each person present to examine them.

1989, c. 1, s. 364; 1998, c. 52, s. 66; 2001, c. 2, s. 36; 2006, c. 17, s. 25.

Validity.

365. The deputy returning officer declares valid every ballot paper marked in a circle opposite the given name and family name of one of the candidates.

Rejection.

The deputy returning officer rejects a ballot paper if it

(1) was not supplied by the deputy returning officer;

(2) does not bear the deputy returning officer's initials;

(3) is not marked;

(4) is marked for more than one candidate;

(5) is marked for a person who is not a candidate;

(6) is marked outside the circles;

(7) bears a fanciful or injurious marking;

(8) bears a mark by which the elector can be identified; or

(9) is marked otherwise than with the pencil given to the elector by the deputy returning officer.

Exception.

No ballot paper may be rejected for the reason set out in subparagraph 2 of the second paragraph if the number of ballot papers in the ballot box corresponds to the number of ballot papers that were placed in it according to the list of electors or the poll book.

Correction. In full view of the persons present, the deputy returning officer initials the back of any ballot paper that is not initialled, and notes under the initials that they have been added as a correction. This is recorded in the poll book.

1989, c. 1, s. 365; 1998, c. 52, s. 67; 2006, c. 17, s. 25.

Omission. **366.** No ballot paper may be rejected for the sole reason that its stub has not been removed. The deputy returning officer removes the stub and destroys it.

Mark. No ballot paper may be rejected for the sole reason that the mark extends beyond the circle or that the circle is not completely filled in.

1989, c. 1, s. 366; 2006, c. 17, s. 25.

366.1. *(Replaced).*

2006, c. 17, s. 25.

Objection. **367.** The deputy returning officer considers any objection raised by a candidate or a candidate's representative as to the validity of a ballot paper and makes a decision immediately. The objection and the deputy returning officer's decision are recorded in the poll book.

1989, c. 1, s. 367; 2006, c. 17, s. 25.

Statement of votes. **368.** The deputy returning officer draws up a statement of votes and signs it. The poll clerk and the representatives who wish to do so initial the statement.

Statistical report. The deputy returning officer records the reasons why ballot papers were rejected in the statistical report of rejected ballot papers.

1989, c. 1, s. 368; 2006, c. 17, s. 25.

Classification of ballot papers. **369.** After counting the ballot papers and drawing up the statement of votes, the deputy returning officer places in separate envelopes the ballot papers marked for each candidate, the rejected ballot papers, the spoiled or cancelled ballot papers, the unused ballot papers and the statement of votes. The deputy returning officer then seals the envelopes.

Initials. The deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals.

Documents placed in the ballot box. The envelopes, the poll book and the list of electors are placed in the ballot box.

1989, c. 1, s. 369; 2006, c. 17, s. 25.

Statement of votes. **370.** The deputy returning officer gives a copy of the statement of votes to the representative of each candidate and to the returning officer.

1989, c. 1, s. 370; 2006, c. 17, s. 25.

Ballot box sealed.

370.1. The deputy returning officer seals the ballot box, and the deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals.

2006, c. 17, s. 25.

Delivery of ballot box.

370.2. The deputy returning officer gives the ballot box to the returning officer or the person designated by the returning officer.

2006, c. 17, s. 25.

Counting of votes on ballot papers received in envelopes

Verification of envelopes.

370.3. The verification of envelopes preceding the counting of votes starts on the days and at the times determined by the Chief Electoral Officer; the verification cannot begin before the end of the special revision process.

2006, c. 17, s. 25.

Verifier.

370.4. The Chief Electoral Officer designates one or more persons to verify the envelopes.

2006, c. 17, s. 25.

Duties.

370.5. A person designated to verify the envelopes must make sure that

(1) the information on the outside envelope corresponds to that on the registration form;

(2) the envelope is an envelope from the elector's electoral division;

(3) only one ballot paper was given to the elector;

(4) the envelope does not come from an elector removed from the list of electors by the board of revisors; and

(5) the number of envelopes corresponds with the entries in the poll book.

Envelope.

Once these verifications have been made, if everything is in compliance, the envelope containing the ballot paper is removed from the second envelope and placed in the ballot box.

2006, c. 17, s. 25.

Irregularity.

370.6. If an irregularity is discovered during the verification, the envelope in question is not placed in the ballot box and the ballot paper is considered cancelled.

Envelope missing.

Ballot papers for which the inside envelope or the outside envelope is missing are also considered cancelled.

2006, c. 17, s. 25.

Reasons for cancellation.

370.7. Whenever an envelope or a ballot paper is cancelled under section 370.6, reasons must be given.

2006, c. 17, s. 25.

Pollling stations.

370.8. The Chief Electoral Officer sets up as many stations as necessary to count the votes and appoints a deputy returning officer and a poll clerk for each of the stations.

Provisions applicable.

Sections 310 and 311 apply, with the necessary modifications, to the appointment of deputy returning officers and poll clerks.

2006, c. 17, s. 25.

Counting of votes.

370.9. On polling day, the deputy returning officer, assisted by the poll clerk, counts the votes. The votes are counted at the place and time determined by the Chief Electoral Officer in accordance with sections 362 to 370.2, with the necessary modifications.

Representative.

If the votes are counted at the office of the Chief Electoral Officer, each authorized party may designate a representative to attend.

Valid ballot.

No ballot paper may be rejected for the sole reason that one of the words it bears is misspelled if the elector's intention is clear.

2006, c. 17, s. 25.

Statement of votes.

370.10. The deputy returning officer, after counting the ballot papers for each electoral division, draws up a statement of votes for each electoral division and signs each of them. The poll clerk and the representatives who wish to do so initial the statements.

Classification of ballots papers.

The deputy returning officer places in separate envelopes, for each electoral division, the ballot papers marked for each candidate, the rejected ballot papers, the spoiled or cancelled ballot papers and the unused ballot papers. The deputy returning officer then seals the envelopes and places them in another sealed envelope bearing the name of the electoral division concerned.

Initials.

The deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals.

Documents placed in ballot box.

The envelope, the poll book and the list of electors are placed in a ballot box bearing the name of the electoral division.

2006, c. 17, s. 25.

Ballot box sealed.

370.11. The deputy returning officer seals the ballot box, and the deputy returning officer, the poll clerk and the representatives who wish to do so initial the seals.

Delivery of ballot box.

The deputy returning officer then gives the ballot box and the statement of votes to the Chief Electoral Officer or the person designated by the Chief Electoral Officer.

2006, c. 17, s. 25.

Communication of poll results.

370.12. The Chief Electoral Officer immediately communicates the poll results to each returning officer concerned and sends the latter a copy of the corresponding statement of votes.

2006, c. 17, s. 25.

§4. — *Addition of votes*

Notification to candidates.

371. The returning officer shall notify each candidate or his mandatary of the time when he is ready to proceed to the addition of the votes.

Time and place.

The addition, wherever possible, shall begin at 9:00 a.m. on the day following polling day; it shall take place at the main office of the returning officer, and any candidate, mandatary or elector may attend.

1989, c. 1, s. 371.

Procedure.

372. The returning officer shall proceed to the addition of the votes by using statements of votes contained in the ballot boxes and compiling the votes cast in favour of each candidate in each polling subdivision of the electoral division.

Votes of inmates.

He shall also use the copy of the statement of votes referred to in section 370.12 if he has received it at the time of the addition or, failing that, he shall use the results communicated in accordance with that section.

1989, c. 1, s. 372; 2006, c. 17, s. 26.

Adjournment.

373. If a statement of votes has not been placed in the ballot box or if the returning officer has not received a ballot box, he shall adjourn the addition of the votes until he obtains that statement or ballot box.

1989, c. 1, s. 373.

Application for re-addition.

374. Any person present may apply for a re-addition of the votes if he shows that the returning officer has improperly added up the votes where the addition provided for in section 371 took place.

1989, c. 1, s. 374.

Elected candidate.

375. The returning officer shall declare elected the candidate who, when the addition is completed, has received the greatest number of votes.

Communication of results.

He may then communicate the results of the addition to any person requesting them.

1989, c. 1, s. 375.

Tie-vote.

376. In the case of a tie-vote, the returning officer shall apply for a judicial recount in accordance with Division V of this chapter.

1989, c. 1, s. 376.

DIVISION IV

DECLARATION OF ELECTION AND PUBLICATION OF THE RESULTS

Declaration of election.

377. If no application for a judicial recount of the votes is filed within the time prescribed, the returning officer shall declare elected the candidate who has received the greatest number of votes. The returning officer shall send a copy of the declaration to each candidate.

Transmission to chief electoral officer.

The returning officer shall without delay transmit to the chief electoral officer the declaration of election and the result of the addition of the votes.

1989, c. 1, s. 377.

Return of election.

378. The returning officer shall thereafter transmit to the chief electoral officer a complete return of the election proceedings.

Documents given to chief electoral officer.

He shall also transmit to the chief electoral officer all the ballot papers, the statements of votes, the lists of electors and the poll books.

1989, c. 1, s. 378.

Keeping of documents.

379. The chief electoral officer shall keep the documents transmitted to him by any returning officer for one year from their transmission or, if the election is contested, for one year from the decision on the contestation.

1989, c. 1, s. 379.

Publication of notice of election.

380. After transmitting a list of the candidates declared elected to the Secretary General of the National Assembly, the chief electoral officer shall, as soon as possible, publish a notice in the *Gazette officielle du Québec* indicating the surname and given name of each elected candidate, his political affiliation, the name of his electoral division and the date of receipt of the list by the Secretary General.

Members of the National Assembly.

The candidate declared elected shall become a Member of the National Assembly from the receipt, by the Secretary General of the National Assembly, of the list of the candidates declared elected.

1989, c. 1, s. 380.

Publication of return.

381. The chief electoral officer shall, as soon as possible after the election, publish a detailed return of the election, containing, in particular, the results for each electoral precinct, and also indicating the results of each polling subdivision.

Transmission of return to Secretary General.

He shall transmit the return to the Secretary General of the National Assembly.

1989, c. 1, s. 381.

DIVISION V

JUDICIAL RECOUNT

Conditions for judicial recount.

382. Any person may apply for a judicial recount of the votes if he has reasonable grounds to believe that a deputy returning officer or the returning officer has unlawfully counted or rejected ballot papers or has drawn up an incorrect statement of votes.

1989, c. 1, s. 382.

Majority.

383. Any candidate who came second, or his mandatary, may apply for a judicial recount where the majority is not over one-thousandth of the votes cast.

1989, c. 1, s. 383.

Application.

384. An application for a judicial recount is made by way of a motion to a judge of the Court of Québec of the judicial district in which all or part of the electoral division where the election was held is situated.

1989, c. 1, s. 384.

Motion.

385. The motion must be presented within four days after the addition of the votes.

1989, c. 1, s. 385.

Recount.

386. The recount shall begin within four days after the presentation of the motion and be carried out as rapidly as possible.

1989, c. 1, s. 386.

Notice of writing.

387. The judge shall give at least one clear day's notice in writing to the chief electoral officer and to the candidates of the day, time and place at which he will proceed to a recount of the votes.

Election officers.

The judge shall summon the returning officer and his assistant, and order the returning officer to bring the ballot boxes and the statement of the votes of his electoral division and, as the case may be, the copy of the statement of votes referred to in section 370.12. They must obey the summons.

Mailed votes.

If the judicial recount is in an electoral division in which mailed votes were counted, the Chief Electoral Officer brings every envelope referred to in section 370.10 that bears the name of that electoral division.

1989, c. 1, s. 387; 2006, c. 17, s. 27.

Examination of ballot papers.

388. On the appointed day, the judge, in the presence of the returning officer and his assistant, shall examine the ballot papers and the other documents contained in the ballot box.

Authorized persons.

The persons contemplated in the first paragraph, those contemplated in section 387 and the mandataries of the candidates may examine the documents contained in the ballot box.

1989, c. 1, s. 388.

Provisions applicable.

389. Sections 365, 366 and the last paragraph of section 370.9 apply to a decision on the validity of a ballot paper and the judge may for that purpose take the measures he considers appropriate.

1989, c. 1, s. 389; 2006, c. 17, s. 28.

Powers of the judge.

390. If a ballot box or the required documents are missing, the judge shall take the appropriate measures to ascertain the result of the vote. For that purpose, he is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

Witnesses.

Every person testifying on that occasion before a judge has the same privileges and immunity as a witness before the Superior Court, and articles 307 to 309 of the Code of Civil Procedure (chapter C-25) apply, adapted as required.

1989, c. 1, s. 390; 1992, c. 61, s. 284.

Custody.

391. While the recount is in progress, the judge has the custody of the ballot boxes and their contents, and of all the other documents that have been transmitted to him.

1989, c. 1, s. 391.

Compilation.

392. Upon the conclusion of the recount, the judge shall compile the votes cast in favour of each candidate, verify or rectify any statement of votes and certify the results of the poll.

Ballot boxes and documents.

The judge shall return the ballot boxes to the returning officer and all the other documents used for the recount to the chief electoral officer.

1989, c. 1, s. 392.

Elected candidate.

393. The returning officer shall thereupon declare elected the candidate who received the greatest number of votes and section 377 applies, adapted as required.

1989, c. 1, s. 393.

Tie-vote.

394. In case of a tie-vote, a new election shall be held.

New election.

The returning officer, after informing the chief electoral officer, shall forthwith publish a notice in the form prescribed by regulation, informing the electors of the new period for filing nomination papers and the new polling date.

Dates. Nomination papers shall be filed not later than the second Monday following the day of the judge's decision, and the poll shall be held on the second subsequent Monday.

1989, c. 1, s. 394.

Costs. **395.** The judge shall award and fix the amount of the costs according to the tariff established by government regulation.

Costs. Where the election results remain unchanged, the costs of the candidate who received the greatest number of votes shall be borne by the person who applied for the recount.

Costs. In the case contemplated in section 383, the person who applied for the recount shall pay no costs.

1989, c. 1, s. 395.

Costs. **396.** Costs are recoverable in the same manner as costs awarded in ordinary cases before the Court of Québec.

1989, c. 1, s. 396

Court of Appeal. **397.** Where a judge fails to comply with this division, the aggrieved party may, within four days thereafter, apply to a judge of the Court of Appeal, by filing a motion in the office of the court, to issue an order enjoining the judge to comply and to proceed with and complete the recount.

1989, c. 1, s. 397.

Hearing. **398.** If the motion appears to be founded, the judge of the Court of Appeal shall issue an order appointing the time, within the eight following days and a place for the hearing of the motion, and enjoining the interested parties to appear at such date and place.

Service. The order and the motion giving rise to it shall be served in the manner determined by the judge.

1989, c. 1, s. 398.

Decision. **399.** At the appointed day and place, the judge of the Court of Appeal, or another judge of the same court, after hearing the parties present, shall issue such order as he considers justified by the facts; he may also award costs.

1989, c. 1, s. 399.

Costs. **400.** Costs are recoverable in the same manner as costs awarded in ordinary cases before the Court of Appeal.

1989, c. 1, s. 400.

CHAPTER VI

CONTROL OF ELECTION EXPENSES

DIVISION I

ELECTION EXPENSES

Interpretation, *"election period"*;

401. For the purposes of this chapter,

(1) the election period commences the day after the day of issue of the order instituting the election and ends on polling day at the hour of closing of the polling stations;

"candidate";

(2) the word "candidate" includes any person who becomes a candidate;

"official agent".

(3) the expression "official agent" includes any person who becomes an official agent.

"election expenses" and *"official agent"*.

In addition, for the purposes of sections 403, 415, 416, 417 and 421, the expression "election expenses" includes expenses referred to in paragraph 13 of section 404 and the expression "official agent" includes a private intervenor within the meaning of Division V if the private intervenor is an elector, and the representative of such an intervenor if the private intervenor is a group of electors.

1989, c. 1, s. 401; 1992, c. 38, s. 58; 1998, c. 52, s. 69; 2001, c. 2, s. 37.

Election expenses.

402. The cost of any goods or services used for the following purposes during an election period is an election expense:

(1) to promote or oppose, directly or indirectly, the election of a candidate or the candidates of a party;

(2) to propagate or oppose the program or policies of a candidate or party;

(3) to approve or disapprove courses of action advocated or opposed by a candidate or party; or

(4) to approve or disapprove any act done or proposed by a party, a candidate or their supporters.

1989, c. 1, s. 402.

Use of goods or services.

403. In the case of goods or services used both during and before an election period, the part of the cost thereof which constitutes an election expense shall be established according to a method based on the frequency of use during the election period compared to the frequency of use before and during the election period.

1989, c. 1, s. 403.

Exceptions.

404. The following are not election expenses:

(1) the cost of publishing articles, editorials, news, interviews, columns or letters to the editor in a newspaper, periodical or other publication, provided that they are published without payment, reward or promise of payment or reward, that the newspaper, periodical or other publication is not established for the purposes or in view of the election and that the circulation and frequency of publication are as what obtains outside the election period;

(2) the cost at fair market value of producing, promoting and distributing a book that was planned to be put on sale at the prevailing market price regardless of the election order;

(3) the cost of broadcasting by a radio or television station of a program of public affairs, news or commentary, provided that the program is broadcast without payment, reward or promise of payment or reward;

(4) the necessary costs of holding a meeting in an electoral division for the selection of a candidate, including the cost of renting a hall, of convening the delegates and of the publicity made at the meeting; the costs cannot exceed $4 000 nor include any other form of publicity;

(5) the reasonable costs incurred by a candidate for attending a meeting to select a candidate in an electoral division; the costs cannot include any publicity except that made by the candidate at the meeting;

(6) the reasonable expenses incurred by a candidate or any other person, out of his own money, for meals and lodging while traveling for election purposes, if the expenses are not reimbursed to him;

(7) the transportation costs of a candidate, if not subject to reimbursement;

(7.1) the other reasonable personal expenses incurred by a candidate, other than publicity expenses, if the expenses are not reimbursed to him;

(8) the transportation costs of any person other than a candidate, paid out of his own money, if the costs are not reimbursed to him;

(8.1) the cost of the food and beverages served at a political activity where the cost is included in the entrance fee paid by participants;

(9) the reasonable expenses incurred for the publication of explanatory commentaries on this Act and the regulations thereunder, provided the commentaries are strictly objective and contain no publicity of such a nature as to favour or oppose a candidate or a party;

(10) the reasonable ordinary expenses incurred for the day-to-day operations of not more than two permanent offices of the party the addresses of which are entered in the register of the chief electoral officer;

(11) interest accrued from the beginning of the election period to the day occurring 90 days after polling day, on any loan lawfully granted to an official representative for election expenses, unless the official agent has paid the interest and declared it as an election expense in his return of election expenses;

(12) the expenses incurred for the holding of meetings, the total of which does not exceed $200 for the entire election period, including the renting of halls and the convening of participants, provided the meetings are not directly or indirectly organized on behalf of a candidate or party;

(13) the publicity expenses, the total of which does not exceed $300 for the entire election period, incurred by an authorized private intervenor in accordance with Division V, without directly promoting or opposing a candidate or party, to publicize or obtain support for the intervenor's views on a matter of public interest or to advocate abstention or the spoiling of ballots;

(14) the remuneration paid to a representative referred to in section 316.

1989, c. 1, s. 404; 1992, c. 38, s. 59; 1998, c. 52, s. 70; 2001, c. 2, s. 38.

Official agent.

405. To incur election expenses, an authorized party shall have an official agent.

Official representative.

The official representative of a party shall be the official agent of the party unless another person is designated in writing for that purpose by the leader of the party.

Written confirmation of acceptance.

A person designated as the official agent by the leader of a party shall confirm in writing that he accepts the office.

Public notice.

The chief electoral officer shall publish the name of the official agent of a party in the *Gazette officielle du Québec*.

1989, c. 1, s. 405.

Appointment of deputies.

406. The official agent of an authorized party may, with the approval of the leader of the party, appoint the required number of deputies and authorize them to incur or authorize election expenses up to the amount fixed by him in their deed of appointment. That amount may be changed, in writing, at any time by the official agent before he files his return of election expenses.

Expenses incurred by deputy.

All election expenses incurred by a deputy of the official agent are deemed to have been incurred by the official agent up to the amount fixed in the deed of appointment.

Statement of expenses.

Every deputy shall furnish to the official agent of the party an itemized statement of the expenses incurred or authorized by him.

1989, c. 1, s. 406.

Advertising agency.

407. An official agent may, in writing, authorize an advertising agency to incur or order election expenses up to the amount he fixes in the authorization. That amount may be changed by the official agent, in writing, at any time before he files his return of election expenses.

Statement of expenses.

The advertising agency shall furnish to the official agent, within 60 days after polling day, an itemized statement of the expenses incurred or ordered, accompanied with the vouchers and advertising proof, including the invoices of subcontractors. The statement must be made in the form prescribed by the chief electoral officer.

1989, c. 1, s. 407.

Official agent.

408. Every candidate shall have an official agent.

1989, c. 1, s. 408.

Resignation.

409. Any official agent of a party who resigns shall notify, in writing, the leader of the party and the chief electoral officer of his resignation. An official agent of a candidate who resigns shall notify, in writing, the candidate and the returning officer of his resignation.

Return of election expenses.

Within ten days of resigning, the official agent shall file with the leader of the party or the candidate a return of election expenses, with vouchers, covering the period during which he was in office.

1989, c. 1, s. 409; 1992, c. 38, s. 60.

Replacement.

410. If the official agent designated in the nomination paper dies, resigns or is unable to act, the candidate shall forthwith appoint another such agent and notify the returning officer in writing of the appointment.

Dismissal.

The candidate may also dismiss his official agent and appoint another in the same manner.

1989, c. 1, s. 410; 1999, c. 40, s. 116.

Notification.

411. The returning officer shall, without delay, inform the chief electoral officer of every appointment and replacement of an official agent.

Notice.

If an official agent is replaced before polling day, the returning officer shall post up a notice of the replacement with a notice of the poll; he shall transmit a copy of the notice of replacement to each candidate or his mandatary.

1989, c. 1, s. 411.

Disqualification.

412. No person contemplated in section 45 may be appointed as an official agent.

1989, c. 1, s. 412.

Authorization of expenses.

413. During an election period, only the official agent of a candidate or of an authorized party or his deputy may incur or authorize election expenses.

1989, c. 1, s. 413.

Payment of election expenses.

414. In no case may an official agent or his deputy pay the cost of any election expense otherwise than out of an election fund.

Election fund.

No sums of money other than those held in accordance with Title III by an authorized entity may be paid into the election fund put at the disposal of an official agent.

Bank account.

The official agent shall deposit the sums paid into the election fund put at his disposal in an account at a Québec branch of a bank, trust or financial services cooperative. The account shall be separate from that of the official representative.

1989, c. 1, s. 414; 1992, c. 38, s. 61; 2000, c. 29, s. 649; 2001, c. 2, s. 39.

Use of goods and services.

415. No goods or services whose cost is wholly or partly an election expense may be used during the election period except by the official agent of a candidate or party or with his authorization.

1989, c. 1, s. 415; 1998, c. 52, s. 71.

Order for election expenses.

416. No person may accept or execute an order for election expenses not given or authorized by an official agent or in his name by his deputy or the advertising agency authorized by him.

1989, c. 1, s. 416.

Regular prices.

417. No person may, for goods or services whose cost is wholly or partly an election expense, claim or receive a price different from the regular price for similar goods or services outside the election period nor may he accept a different remuneration or renounce payment.

Unremunerated services.

A person may, however, contribute his personal services and the use of his vehicle without remuneration, provided that he does so freely and not as part of his work in the service of an employer.

1989, c. 1, s. 417.

418. *(Repealed).*

1992, c. 38, s. 62.

Election expenses before nomination.

419. At a general election, the official agent of an authorized party, his deputy or the official representative of a party authority in an electoral division, if expressly authorized therefor by the official agent of the party, may, so long as no candidate of the party has filed his nomination paper in that electoral division and before the expiry of the period prescribed for the filing of nomination papers, authorize election expenses in the electoral division.

Expenses incurred by the party.

If, at the time of the polling, the party presents no candidate in the electoral division for which the expenses were authorized, the expenses are deemed to have been incurred by the party. In the opposite case, the expenses are deemed to have been incurred by the official agent of the candidate of the party and the person who authorized the expenses shall file an itemized statement thereof with him.

Publicity expenses.

If the expenses incurred under this section include publicity, they shall be identified by the name and title of the official representative of the party authority, the official agent of the party or his deputy, or the official agent of the candidate and, where applicable, the name and address of the printer.

1989, c. 1, s. 419; 1992, c. 38, s. 63; 2001, c. 2, s. 40.

By-election.

420. At a by-election, only the official representative of the party authority at the level of the electoral division where the election is being held may, so long as no candidate of the party has filed his nomination paper and before the expiry of the period prescribed for the filing of nomination papers, authorize election expenses.

Expenses incurred by the official agent.

If the party presents no candidate, the official representative shall include, in his annual financial report, all expenses he has so authorized. In the opposite case, the expenses are deemed to have been incurred by the official agent of the candidate of such party and the official representative shall file an itemized statement with him.

Publicity expenses.

If the expenses incurred under this section include publicity, they shall be identified by the name and title of the official representative of the party authority or the official agent of the candidate and by the name and address of the printer, where that is the case.

1989, c. 1, s. 420; 1992, c. 38, s. 64; 2001, c. 2, s. 41.

Identification of printed matter.

421. Every printer or manufacturer who furnishes any writing, object or advertising material relating to an election shall indicate therein or thereon his name and address and the name and title of the official agent or deputy, as the case may be, who caused it to be produced.

Identification of published advertisement.

Every owner of a newspaper or other publication in which an advertisement is published shall indicate the name and title of the official agent or deputy, as the case may be, who caused it to be published.

Identification of broadcaster advertisement.

Every radio or television broadcaster who broadcasts an advertisement shall indicate the name and title of the official agent or deputy, as the case may be, at the beginning or at the end of the advertisement.

1989, c. 1, s. 421.

Authorization number.

421.1. For the purposes of section 421, a printer, manufacturer, owner or radio or television broadcaster shall also, in the case of a private intervenor within the meaning of Division V or the representative of such an intervenor, indicate the authorization number issued under section 457.6.

Cost exceeding $300.

Where the cost of the writing, object, material, advertisement or publicity referred to in section 421 exceeds $300, the printer, manufacturer, owner or radio or television broadcaster may only mention or, as the case may be, indicate as the person having caused the writing, object, material, advertisement or publicity to be produced, published or broadcast, the name and title of the official agent or deputy official agent of a candidate or party.

1998, c. 52, s. 72.

Identification of joint publicity.

422. Where the official agents of several candidates of the same region jointly make or incur any publicity expenses contemplated in section 421, the advertisement shall bear the name and title of each official agent or, with his consent, the name and title of the official agent of the party and the name and address of the printer, where that is the case.

1989, c. 1, s. 422; 1992, c. 38, s. 65.

Joint publicity expenses.

422.1. The official agent of a candidate may, in writing, authorize the official agent of the party to incur or order joint publicity expenses, up to the amount he fixes in the authorization, but not exceeding 30 % of the limit determined in the second paragraph of section 426.

Total publicity expenses. The official agent of the party shall furnish to the official agent of the candidate, within 60 days after polling day, an invoice showing the total publicity expenses incurred by him for the latter.

Report of publicity expenses. The official agent of the party shall furnish to the chief electoral officer, within 90 days after polling day, a report of all publicity expenses, accompanied with the invoices and other vouchers. The report must be made in the form prescribed by the chief electoral officer.

Identification of expenses. The expenses incurred under this section must be identified by the name and title of the official agent of the party or the official agent of the candidate.

1992, c. 38, s. 66; 2001, c. 2, s. 42.

Free space or air time. **423.** During an election period, a radio, television or cable broadcaster and the owner of a newspaper, periodical or other publication may make air time on the radio or television or space in the newspaper, periodical or other publication available free of charge to the leaders of the parties and to candidates, provided he offers such service equitably as to quality and quantity to all the candidates of the same electoral division or to all the leaders of the parties represented in the National Assembly or which obtained at least 3 % of the valid votes at the last general election.

1989, c. 1, s. 423.

Invoice. **424.** No person may pay an election expense of $60 or more without a voucher in the form of an itemized invoice.

Contents. The invoice must indicate the goods or services furnished and their rate or unit price.

1989, c. 1, s. 424; 1992, c. 38, s. 67.

Claims. **425.** Every person to whom an amount is due for an election expense shall present his claim to the official agent within 60 days after polling day. No election expense may be paid by the official agent if the claim is presented to him after the expiry of the prescribed time.

Claims. Where the official agent has died or resigned and has not been replaced, the claim shall be presented within the same time limit to the leader of the party or to the candidate himself, as the case may be.

Claims. After the expiry of the time prescribed in the first paragraph, the creditor has 120 days to file his claim with the chief electoral officer, failing which his claim is prescribed.

1989, c. 1, s. 425.

Limit of party expenses. **426.** Election expenses shall be limited so as never to exceed for a party, during a general election, $0.60 per elector for all the electoral divisions in which such party has an official candidate.

Limit of candidate expenses.

The election expenses for each candidate shall be limited so as never to exceed $1.00 per elector during a general election. However, in the electoral divisions of Duplessis, Rouyn-Noranda-Témiscamingue, Saguenay and Ungava, the maximum is increased by $0.25 per elector, and in the electoral division of Îles-de-la-Madeleine, the maximum is increased by $0.70 per elector.

By-election.

During a by-election, the maximum limit of election expenses for each candidate is increased by $0.60.

Adjustment.

The amounts provided for in this section shall be adjusted on 1 April each year according to the change in the average Consumer Price Index for the preceding year, based on the index established for the whole of Québec by Statistics Canada. If the amount computed on the basis of the index includes a decimal, the decimal shall be rounded off to the higher digit where it is greater than 5 and, if not, to the lower digit. The chief electoral officer shall publish the results of the adjustment in the *Gazette officielle du Québec*.

1989, c. 1, s. 426; 1992, c. 38, s. 68; 2001, c. 2, s. 43.

Number of electors.

427. For the purposes of sections 426, 457 and 457.1, the number of electors is the greater of the number of electors whose names are entered on the list of electors produced upon the issue of an order instituting an election and the number of electors whose names are entered on the list following revision.

Certificate.

Each returning officer shall transmit to the chief electoral officer a certificate evidencing the number of electors whose names are entered on the list following revision and shall inform each candidate of that number.

Total number of electors.

At a general election, the chief electoral officer shall transmit, to the leader of each authorized party, the total number of electors listed for all the electoral divisions.

1989, c. 1, s. 427; 1995, c. 23, s. 38.

By-election.

428. The official agent of an authorized party cannot incur election expenses during a by-election.

1989, c. 1, s. 428.

Publicity prohibited.

429. In the seven days following the day on which the order is issued, no person, except the chief electoral officer, may broadcast or cause to be broadcast by a radio or television station or by a cable distribution enterprise, publish or cause to be published in a newspaper or other periodical, or post or cause to be posted in a space leased for that purpose, publicity relating to the election.

Announcement.

However, the first paragraph shall not operate to prevent the announcement by any means referred to therein, once the order has been issued, of a meeting for the selection of a candidate provided that the announcement consists only of the date, time and place of the meeting, the name and visual identification of the party and the names of the persons nominated.

1989, c. 1, s. 429; 1992, c. 38, s. 69; 1995, c. 23, s. 39.

Publicity prohibited.

429.1. On polling day no person, except the chief electoral officer, may broadcast or cause to be broadcast by a radio or television station or by a cable distribution enterprise, or publish or cause to be published in a newspaper or other periodical, publicity relating to the election.

1995, c. 23, s. 39.

Members of the public service.

430. Subject to sections 10 and 11 of the Public Service Act (chapter F-3.1.1), nothing in this division relates to the services rendered by a member of the public service.

1989, c. 1, s. 430.

Exceptions.

431. This division does not apply to services rendered by a member of an office staff or of the staff of a Member within the meaning of Division III.1 of Chapter IV of the Act respecting the National Assembly (chapter A-23.1).

1989, c. 1, s. 431.

DIVISION II

RETURN OF ELECTION EXPENSES

Return of election expenses.

432. The official agent of every candidate shall, within 90 days after polling day, deliver to the chief electoral officer, a return of all his election expenses in the form prescribed by the chief electoral officer.

Accompanying documents.

The return must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.

Independent candidate.

In the case of an independent candidate who was not elected, the return must be filed at the same time as the financial report contemplated in section 122.

1989, c. 1, s. 432; 1998, c. 52, s. 73; 1999, c. 15, s. 21.

433. *(Repealed).*

1999, c. 15, s. 22.

Return of election expenses.

434. The official agent of every authorized party shall, within 120 days after polling day, deliver to the chief electoral officer a return of his election expenses in the prescribed form.

Accompanying documents.

The return must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.

Deeds of appointment.

Where the official agent has appointed deputies under section 406, the return must be accompanied with the deeds of appointment and any change made to them.

1989, c. 1, s. 434.

Summary of returns.

435. The chief electoral officer shall publish a summary of the returns of election expenses prescribed in sections 432 and 434 within 90 days after the expiry of the time prescribed for their filing.

1989, c. 1, s. 435; 2001, c. 2, s. 44.

Keeping of documents.

436. The chief electoral officer shall keep the returns, declarations, invoices, receipts and other vouchers provided for in sections 432 and 434 for a period of two years from their receipt. During that period, he shall permit any elector to examine the documents and make copies of them at the place designated by him for that purpose.

Delivery or destruction of vouchers.

After the expiry of the period prescribed in the first paragraph, the chief electoral officer shall deliver the invoices, receipts and other vouchers to the leader of the party or to the candidates if they so request; if not, he may destroy them.

1989, c. 1, s. 436.

Source of funds.

437. In addition to election expenses, the official agent shall indicate in the returns prescribed in sections 432 and 434 the source of the sums paid into the election fund put at his disposal.

1989, c. 1, s. 437.

Statement of late claims.

438. The returns prescribed in sections 432 and 434 must be accompanied with an itemized statement in the form prescribed by the chief electoral officer, setting forth the names and addresses of the creditors who omitted to file their claims in the manner prescribed in the first paragraph of section 425 and, for each such claim, the amount of the debt and the date on which the goods and services were furnished.

Accompanying cheque.

The statement must be accompanied with a cheque drawn on the election fund, made to the order of the chief electoral officer for the total amount of the claims contemplated in the first paragraph.

1989, c. 1, s. 438.

Trust account.

439. The sums remitted to the chief electoral officer pursuant to section 438 shall be kept by him in a trust account and, if the creditors fail to file their claims with him within the time prescribed in the third paragraph of section 425, he shall remit the sums to the Minister of Finance.

1989, c. 1, s. 439.

Contested claims.

440. Where a creditor files his claim with the chief electoral officer within the time prescribed in the third paragraph of section 425 and the sums remitted to him by the official agent to discharge the claim are insufficient, the chief electoral officer shall inform the official agent of that fact without delay; the official agent may contest that claim, in which case sections 445 and 446 apply.

Additional amount.

If the claim is not contested by the official agent, the official representative of the authorized party authority at the level of the electoral division or of the party, as the case may be, shall forward to the chief electoral officer the necessary additional sum to enable him to discharge the claim.

1989, c. 1, s. 440.

Remaining assets.

441. On filing the return prescribed in section 432 or 434, the official agent of an authorized party or of a candidate of an authorized party shall remit the sums or goods remaining in his election fund to the official representative of the party or of the party authority at the level of the electoral division, as the case may be. The official agent of an independent candidate who was elected shall remit such sums to the candidate's official representative.

Use of remaining assets.

In the case of the official agent of an authorized independent candidate who was not elected, he shall keep the remaining sums or goods in his election fund. The sums and goods may be used only for political, religious, scientific or charitable purposes.

1989, c. 1, s. 441; 1998, c. 52, s. 74.

Disqualification.

442. If the return and the statement prescribed by section 432 or 434 are not filed within the time prescribed, the candidate or party leader, as the case may be, becomes, ten days after the expiry of the period prescribed, disqualified from sitting or voting in the National Assembly until the return and statement have been filed.

Order of a judge.

However, a judge may, on a motion made before the candidate or party leader is disqualified from sitting or voting, allow him to continue to sit or vote for an additional period of not more than 30 days.

1989, c. 1, s. 442.

Correction of errors.

443. Where an error is found in a declaration or return that has been filed, the official agent may correct it at any time within the period prescribed for filing such declaration or return.

Opposition.

After the period prescribed for filing the declaration or return, the candidate or party leader may obtain leave from the chief electoral officer to correct the error on establishing that it was made through inadvertence. Any opposition to the application for leave shall be submitted to the chief electoral officer.

Decision of chief electoral officer.

If the chief electoral officer considers that the opposition is not justified, he shall allow the correction procedure to continue; otherwise, he shall refer the parties to the court of competent jurisdiction.

1989, c. 1, s. 443; 1992, c. 38, s. 70.

Extension.

444. If a candidate or party leader establishes before a judge that the absence, death, illness or misconduct of an official agent or any other reasonable cause prevents the preparation and filing of the return prescribed by section 432 or 434, the judge may make any order he deems necessary to enable the applicant to obtain all the information and documents necessary to prepare the return and declaration and grant an extension of time.

1989, c. 1, s. 444.

Payment of claims.

445. Before filing the return and declaration prescribed in sections 432 and 434, an official agent must have discharged all the claims received within the period of time prescribed in section 425.

Undischarged claims.

However, the official agent shall mention, in his return, every undischarged claim and indicate whether he contests the claim or cannot discharge it owing to insufficient election funds.

Contested claims.

No contested claim may be discharged by the official agent, by the leader of a party of by a candidate. Only the official representative may discharge it in execution of a judgment from a court of competent jurisdiction obtained by the creditor after a hearing and not following acquiescence in the demand or a settlement agreement.

Payment of certain undischarged or contested claims.

The chief electoral officer may allow the official representative of an authorized entity to discharge any claim that has not been discharged owing to insufficient election funds, and he may, if there is no objection from a party or candidate, allow him to discharge a contested claim if the refusal or nonpayment results from an error in good faith.

1989, c. 1, s. 445; 1992, c. 38, s. 71.

Claim referred to a judge.

446. The chief electoral officer may refer to a judge any claim contested by an official agent. The case is heard and decided by preference.

1989, c. 1, s. 446.

Automatic correction of returns.

447. Every payment made by the official representative after the filing of the return of election expenses following a decision of the chief electoral officer, a judgment rendered in respect of any expense contested pursuant to section 445, or on an application by the chief electoral officer under section 440, entails an automatic correction of the return of election expenses.

1989, c. 1, s. 447.

Competent judge.

448. The judge having jurisdiction to decide an application under sections 442 to 446 is, in the case of a candidate other than a party leader, a judge of the Court of Québec and, in the case of a party leader, the chief judge of that court.

Notice. No application under the first paragraph may be heard without a notice of at least three clear days to the chief electoral officer and to each of the other candidates in the electoral division or, in the case of a party leader, to each of the other leaders of authorized parties.

1989, c. 1, s. 448.

DIVISION III

ADVANCE ON THE REIMBURSEMENT OF ELECTION EXPENSES

449-550. *(Repealed).*

2001, c. 2, s. 45.

Advance payment. **451.** Where, on the receipt of the results of the addition of the votes, the chief electoral officer is satisfied that a candidate is entitled to a reimbursement under section 457, he shall, without delay, pay an advance on the reimbursement equal to 35 % of the maximum election expenses fixed in the second paragraph of section 426 for the electoral division concerned.

1989, c. 1, s. 451; 2001, c. 2, s. 46.

Joint payment. **452.** The payment is made jointly to the candidate and his official representative in the case of an authorized independent candidate, or in the case of the candidate of an authorized party, jointly to the candidate and the official representative of the party authority at the level of the electoral division concerned; failing such a party authority, the payment is made jointly to the candidate and the official representative of the party.

Transfer of funds. The payment may also be made by means of a transfer of funds to an account of the official representative.

1989, c. 1, s. 452; 2001, c. 72, s. 27.

Verification of excess. **453.** On receipt of the return of election expenses of the official agent of the candidate to whom an advance on the reimbursement of election expense has been paid, the chief electoral officer shall verify whether the amount of the advance exceeds 50 % of the election expenses stated in the return.

Claim. If the advance exceeds 50 % of the total of the expenses, the chief electoral officer shall send, by registered or certified mail, to the official representative to whom the advance was granted, a claim corresponding to the difference between the amounts.

Payment of claim. The amount of the claim must be paid within 30 days of its receipt by the official representative.

1989, c. 1, s. 453.

Adjustment of reimbursement.

454. If, after an audit of the return of election expenses of the official agent of the candidate to whom an advance was granted, the reimbursement to which the candidate is entitled under section 457 is greater than the advance he received, the chief electoral officer shall draw, to the order jointly to the candidate and to the official representative to whom the advance was granted, a cheque for an amount corresponding to the difference between the amount of reimbursement to which the candidate is entitled and the amount of the advance paid.

1989, c. 1, s. 454.

Adjustment of reimbursement.

455. If, after an audit of the return of election expenses, the reimbursement to which the candidate is entitled is less than the advance he received, the chief electoral officer shall send, by registered or certified mail, to the official representative to whom the advance was granted, a claim corresponding to the difference between the amounts, taking into account any sum received by the official representative following a claim pursuant to section 453.

Payment.

The claim must be paid within 30 days of its receipt by the official representative.

1989, c. 1, s. 455.

Number of electors.

456. For the purposes of section 451, the number of electors is equal to the number of electors entered on the list of electors produced upon the issue of an order instituting an election.

1989, c. 1, s. 456; 1995, c. 23, s. 40; 2001, c. 2, s. 47.

Payment of advance.

456.1. On receipt of an attestation from the official agent of an authorized party of the estimated amount of election expenses incurred, the chief electoral officer shall, if the attestation is accepted by the chief electoral office, pay without delay to the party entitled to reimbursement under section 457.1 an advance equal to 35% of the lesser of the amount corresponding to the limit fixed for election expenses under the first paragraph of section 426 and the estimated amount of the expenses incurred by the party.

Overpayment.

Any overpayment under the first paragraph must be reimbursed to the chief electoral officer within the thirty days following a notice transmitted to the official representative by the chief electoral officer. Any amount not so reimbursed may be recovered by the chief electoral officer out of the allowance provided for in section 81, or otherwise.

2001, c. 2, s. 48.

DIVISION IV

REIMBURSEMENT OF ELECTION EXPENSES

Conditions.

457. The chief electoral officer shall reimburse an amount equal to 50 % of the election expenses incurred and paid in conformity with this Act, for each candidate

(1) declared elected;
(2) who obtained at least 15 % of the valid votes;
(3) *(paragraph repealed)*;
(4) *(paragraph repealed)*;
(5) *(paragraph repealed)*.

Independent candidate. In the case of an independent candidate who was not elected, no reimbursement may exceed the amount of the debts resulting from his election expenses.

Maximum amount. The election expenses that may be reimbursed may in no case exceed the maximum amount fixed under the second paragraph of section 426.

1989, c. 1, s. 457; 1998, c. 52, s. 75; 2001, c. 2, s. 49.

Reimbursement. **457.1.** The chief electoral officer shall reimburse to each political party that obtained at least 1 % of the valid votes an amount equal to 50 % of the election expenses incurred and paid in conformity with this Act.

Maximum amount. The election expenses that may be reimbursed may not exceed the limit fixed under the first paragraph of section 426.

1992, c. 38, s. 72; 1998, c. 52, s. 76.

DIVISION V

EXPENSES OF PRIVATE INTERVENORS

Private intervenor. **457.2.** Only an elector or a group not endowed with legal personality and composed in the majority of natural persons who are qualified electors may apply for authorization as a private intervenor.

An authorized political party that presents no candidate at a general election or a by-election and wishes to intervene as private intervenor must notify the chief electoral officer. It is deemed to hold an authorization from the chief electoral officer as a private intervenor from the date of receipt of the notification and the chief electoral officer shall issue an authorization number to it.

Sections 457.7 to 457.9 and 457.13 to 457.21 and the second paragraph of section 559 apply to the party, with the necessary modifications. For the purposes of those provisions, the leader of the party is deemed to be the elector representing the private intervenor referred to in the last paragraph of section 457.4.

An authorized political party that availed itself of sections 419 and 420 during an election period may not obtain the status of private intervenor during that period.

1998, c. 52, s. 77; 2004, c. 36, s. 3.

Application for authorization. **457.3.** An elector who applies for authorization must

(1) indicate his name, date of birth, domiciliary address and telephone number;
(2) declare that he is a qualified elector;

(3) declare that he does not intend to directly promote or oppose any candidate or party;

(4) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which he intends to express his views;

(5) declare that he is not a member of any party;

(6) declare that he is not acting directly or indirectly on behalf of any candidate or party;

(7) declare that, to his knowledge, he does not belong to a group that has obtained an authorization as a private intervenor for a similar purpose or whose application for authorization is pending.

Oath and undertaking.

The application for authorization must be supported by the elector's oath and include an undertaking by the elector to comply with all applicable legal provisions.

1998, c. 52, s. 77.

Application for authorization.

457.4. A group that applies for authorization must

(1) indicate its name, address, telephone number, date of formation and objects;

(2) indicate the name, domiciliary address and telephone number of its leaders;

(3) indicate the actual or approximate number of members of the group and declare that the majority of the members are qualified electors;

(4) indicate the name, date of birth, domiciliary address and telephone number of the elector who is to act as the representative of the group;

(5) declare that the group does not intend to directly promote or oppose any candidate or party;

(6) state briefly the purpose of the application, specifying, where applicable, the matter of public interest on which the group intends to express its views;

(7) declare that the group is not acting directly or indirectly on behalf of any candidate or party;

(8) declare that the representative of the group is not a member of any party;

(9) declare that, to the group's knowledge, no member of the group has obtained an authorization as a private intervenor for a similar purpose or made an application for authorization that is pending.

Representative, oath and undertaking.

The application for authorization must be made by the elector designated in the application to act as the representative of the group, be supported by the representative's oath and include an undertaking by the representative to comply with all applicable legal provisions.

1998, c. 52, s. 77.

Application.

457.5. An application for authorization must be filed at the office of the returning officer of the electoral division of the applicant's domicile.

Period.

The application must be filed during the period extending from the twenty-seventh to the thirteenth day preceding polling day.

1998, c. 52, s. 77.

Issue of authorization.

457.6. The returning officer shall, if the application is in conformity with the requirements of this division, issue the authorization and an authorization number without delay.

Rejection.

Before rejecting an application, the returning officer must allow the elector to present observations or make any necessary corrections. A decision to reject an application must be in writing and contain reasons.

1998, c. 52, s. 77.

Consultation.

457.7. Notwithstanding the first paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the returning officer shall, during the election period, allow an elector to consult, in the returning officer's main office, any application for authorization which was granted.

Copy of application.

However, notwithstanding the second paragraph of section 10 of that Act, only a candidate may obtain a copy of such an application.

1998, c. 52, s. 77.

List of authorization.

457.8. Not later than the tenth day preceding polling day, the returning officer shall transmit to the authorized parties represented in the National Assembly, to any other party which so requests and to each candidate a list of the authorizations which have been granted.

Contents.

The list shall indicate the name of each private intervenor, the name of the private intervenor's representative, if any, and the number and date of the authorization. The list shall also indicate if the private intervenor intends to express views on a matter of public interest or to advocate abstention or the spoiling of ballots.

1998, c. 52, s. 77.

Election period.

457.9. An elector or a group of electors may only obtain one authorization during an election period. The authorization is only valid for that period.

Representative.

The representative of a group of electors may only act for that group.

1998, c. 52, s. 77.

Resignation of representative.

457.10. The representative of a group of electors who resigns shall notify the leader of the group and the returning officer in writing.

Report and vouchers.

Within five days of resigning, the representative shall submit a report of the expenses incurred, with vouchers, to the leader of the group.

1998, c. 52, s. 77.

Representative.

457.11. If the representative of a group of electors dies, resigns, is dismissed or is unable to act, the leader of the group shall appoint another representative and shall notify the returning officer in writing forthwith.

1998, c. 52, s. 77.

Election period.

457.12. A private intervenor who is an elector or the representative of a private intervenor may not become a member of a party during the election period.

1998, c. 52, s. 77.

Restriction on expenses.

457.13. A private intervenor may not incur expenses that are not related to the purpose stated in the application for authorization or that directly promote or oppose a candidate or party.

1998, c. 52, s. 77.

Restriction on expenses.

457.14. A private intervenor may not incur an expense jointly with any person or incur an expense individually but in agreement, collusion or association with any person.

1998, c. 52, s. 77.

Expenses.

457.15. A private intervenor who is an elector must defray the cost of any expense out of his own funds.

Expenses.

A private intervenor that is a group of electors must defray the cost of any expense out of the funds of the members of the group who are electors.

Payment of expenses.

A private intervenor must pay any expense by cheque or order of payment drawn on the private intervenor's account in a bank, trust company or financial services cooperative having an office in Québec. The cheque or order of payment must be signed by the private intervenor if the private intervenor is an elector, or by the representative if the private intervenor is a group of electors.

1998, c. 52, s. 77; 2000, c. 29, s. 650.

Expenses.

457.16. In the case of a private intervenor that is a group of electors, only the representative may incur expenses on behalf of the private intervenor.

Representative.

The representative of a private intervenor is bound by the provisions of sections 457.13 to 457.15 and must ensure that they are complied with.

1998, c. 52, s. 77.

Voucher.

457.17. A private intervenor who is an elector or the representative of a private intervenor may not pay an expense of $25 or more without a voucher in the form of an itemized invoice.

Invoice.

The invoice must indicate the goods or services furnished and their rate or unit price.

1998, c. 52, s. 77.

Filing of report.

457.18. A private intervenor who is an elector or the representative of a private intervenor shall, within 30 days after polling day, file with the chief electoral officer a report of all the private intervenor's expenses, in the form prescribed by the chief electoral officer.

Accompanying documents. The report must be accompanied with the invoices, receipts and other vouchers, or certified copies of those documents, a list thereof and a sworn declaration in the prescribed form.

1998, c. 52, s. 77.

Provisions applicable. **457.19.** Sections 435, 436 and 444 apply to the report referred to in section 457.18, with the necessary modifications.

1998, c. 52, s. 77.

Withdrawal. **457.20.** The chief electoral officer may, on his own initiative or on an application, withdraw the authorization of a private intervenor

(1) if the chief electoral officer ascertains that the application for authorization contains false or inaccurate information;

(2) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor is no longer qualified for such authorization;

(3) if the chief electoral officer ascertains that the private intervenor or, where applicable, the representative of the private intervenor has contravened any applicable provision of this Act.

Procedure. Before withdrawing the authorization, the chief electoral officer must allow the private intervenor to present observations or make any necessary corrections. A decision to withdraw the authorization must be in writing and contain reasons.

1998, c. 52, s. 77.

Appeal. **457.21.** Any person whose application for authorization is rejected or any private intervenor whose authorization is withdrawn may, by way of a motion, appeal the decision before a judge of the Court of Québec.

Service of motion. The motion must be served beforehand on the returning officer or the chief electoral officer, as the case may be.

Appeal. The appeal shall be heard and decided by preference. The appeal does not suspend the execution of the decision, unless the court decides otherwise.

Decision. The decision of the judge is final.

1998, c. 52, s. 77.

TITLE V

CONTESTATION OF ELECTIONS

Contestation. **458.** Any elector qualified to vote in an electoral division or any candidate in that division may contest the election held in the division if the election or the declaration pertaining to it is irregular, or if a corrupt electoral practice was used whereby it is alleged that the election of a Member is void.

1989, c. 1, s. 458.

Motion. **459.** An election is contested by way of a motion to the Court of Québec of the judicial district in which the electoral division where the election was held is situated in whole or in part.

1989, c. 1, s. 459.

Time limit. **460.** The motion is presented within 30 days of the publication in the *Gazette officielle du Québec* of the notice contemplated in section 380 or within 30 days of a person's being found guilty of a corrupt electoral practice where such a practice was used after the declaration of election.

Corrupt electoral practice. However, in the case of a corrupt electoral practice contemplated in paragraph 1 of section 559, the motion is presented within 60 days following the sending of the return contemplated in section 432 of this Act or within 90 days following the sending of the return contemplated in section 434 of this Act, as the case may be.

1989, c. 1, s. 460.

Affidavit. **461.** The motion must state the facts giving rise to it and the allegations must be supported by an affidavit.

Parties impleaded. The chief electoral officer and the returning officer for the division where the election is contested shall be made parties to the case.

1989, c. 1, s. 461.

Hearing. **462.** The motion to contest the election shall be heard by three judges and the judgment shall be rendered by a majority of such judges.

Death of a judge. If a judge who has heard the case dies before judgment or if he is unable, due to any circumstance, to participate in the judgment, and the other two judges are in agreement and are prepared to render judgment on the motion, these two judges may render judgment.

1989, c. 1, s. 462.

Notice. **463.** The motion shall be served on the parties and be accompanied with notice of not less than ten clear days of its date of presentation.

1989, c. 1, s. 463.

Proceedings. **464.** Proceedings are conducted in accordance with the ordinary rules of the Code of Civil Procedure (chapter C-25), but the motion is heard and decided by preference.

1989, c. 1, s. 464.

Rules of proof. **465.** The rules of proof are those in force in civil matters.

1989, c. 1, s. 465.

Vacancy.

466. The vacancy of the seat of the dependant Member does not prevent the making of the motion or interrupt the hearing.

Proceedings continued.

Convocation, prorogation or dissolution of the National Assembly does not suspend proceedings.

1989, c. 1, s. 466.

Decision of the court.

467. The court shall decide whether

(1) the election is void;

(2) the Member whose election is contested was duly elected or declared elected; or

(3) another person was elected, indicating who that other person is.

1989, c. 1, s. 467.

Election void.

468. If the hearing establishes

(1) that a corrupt electoral practice was used by a candidate or, with his consent, by another person, the candidate shall be considered guilty of a corrupt electoral practice, and if he has been elected, his election is void;

(2) that a corrupt electoral practice was used by the representative, mandatary or official agent of a candidate, the election of that candidate is void.

Exception.

The election of a candidate shall not be declared void pursuant to subparagraph 2 of the first paragraph if it is established that the deed is of minor gravity and could not have affected the result of the election, and if the candidate took reasonable precautions.

1989, c. 1, s. 468.

Subtraction of votes.

469. If the hearing establishes that a candidate, personally or through another person, committed an offence contemplated in section 557 or 558, the court shall subtract, from the number of votes which appear to have been given in favour of that candidate, one vote for each person who voted at that election and in respect of whom, according to the evidence, that candidate is guilty of that offence.

1989, c. 1, s. 469.

Results unaffected.

470. The election of a candidate shall not be declared void by reason of an offence against this Act, or the regulations hereunder, if it does not constitute a corrupt electoral practice and if the court comes to the conclusion that the offence could not have changed or significantly affected the result of the election.

1989, c. 1, s. 470.

Inobservance of formality.

471. No election may be declared void by reason of a failure to observe a formality prescribed for the procedure relating to the polling or to the counting of votes or by reason of the disqualification of an election officer if the election procedure has been conducted in accordance with the principles established under this Act and the inobservance or disqualification has not affected the result of the election.

1989, c. 1, s. 471.

Inobservance of time limits.

472. No election may be declared void by reason of a failure to observe the prescribed time limits, unless the inobservance has affected the result of the election.

1989, c. 1, s. 472.

Disqualified signatory.

473. No election may be declared void by reason of the fact that a person who supports a nomination paper is not an elector or is not domiciled in the electoral division for which the nomination is filed.

1989, c. 1, s. 473.

Disqualification.

474. Every person convicted of a corrupt electoral practice under this title is disqualified under section 568.

1989, c. 1, s. 474.

Appeal.

475. An appeal lies to the Court of Appeal from the final judgment rendered on the motion.

Time limit.

The appeal must be brought within 15 days from the judgment.

Interlocutory judgment.

No appeal lies from any interlocutory judgment.

1989, c. 1, s. 475.

Procedure.

476. The ordinary rules of the Code of Civil Procedure (chapter C-25 apply to the proceedings, but the appeal is heard by preference.

Final judgment.

The judgment rendered by the Court of Appeal is final and no appeal lies from it.

1989, c. 1, s. 476.

Decision transmitted to National Assembly.

477. Once the judgment acquires the status of *res judicata*, the chief electoral officer shall transmit a certified copy of that decision to the President or to the Secretary General of the National Assembly, who shall immediately inform the Members.

Results changed.

Where the decision changes the results of the election, the chief electoral officer shall proceed in accordance with section 380.

1989, c. 1, s. 477.

TITLE VI

ELECTORAL ORGANS

CHAPTER I

THE CHIEF ELECTORAL OFFICER

DIVISION I

APPOINTMENT

Appointment by National Assembly.

478. On a motion of the Prime Minister, the National Assembly, by a resolution approved by two-thirds of its Members, shall appoint a chief electoral officer chosen from among the electors and fix his salary and other conditions of employment.

1989, c. 1, s. 478.

Term of office.

479. The term of office of the chief electoral officer is seven years; notwithstanding the expiry of his term of office, the chief electoral officer shall remain in office until he is reappointed or replaced.

1989, c. 1, s. 479.

Resignation.

480. The chief electoral officer may resign at any time by giving notice in writing to the President of the National Assembly; he shall not be dismissed except by a resolution approved by two-thirds of the Members of the Assembly.

1989, c. 1, s. 480.

Oath.

481. Before taking office, the chief electoral officer shall make the oath provided in Schedule II before the President of the National Assembly.

1989, c. 1, s. 481.

Exclusive duties.

482. The chief electoral officer shall devote his time exclusively to the duties of his office.

1989, c. 1, s. 482.

Replacement.

483. If the chief electoral officer becomes incapacitated or in case of vacancy, the Government may, after consulting the leaders of the authorized parties represented in the National Assembly, designate a person to perform the duties of the chief electoral officer for a period not exceeding six months, with such salary as it may fix.

Other duties.

The designated person shall also act as chairman of the Commission de la représentation.

1989, c. 1, s. 483.

Retirement plan.

484. The chief electoral officer may elect to contribute to a retirement plan if, before his appointment, he reaches an agreement on the terms of the plan with an authorized representative of the Government.

Time limit.

The order of the Government giving effect to the agreement contemplated in the first paragraph must be made within 90 days after the date of the chief electoral officer's appointment and has effect from the date of his taking office.

1989, c. 1, s. 484.

DIVISION II

FUNCTIONS AND POWERS

Function.

485. The function of the chief electoral officer is, in particular, to see to the administration of this Act.

Duties.

He shall carry out every mandate which the National Assembly entrusts to him. The Government may consult him about any legislation pertaining to elections.

Research and analysis.

He may conduct an analysis and assessment of electoral procedures and conduct studies on the financing of political parties. After having sought the advice of the advisory committee, he may also carry out any other research he considers advisable.

International assistance and cooperation.

The chief electoral officer may, with the authorization of the Government, provide assistance and cooperation to other countries or to international organizations in election matters, in particular at the material, professional or technical level.

1989, c. 1, s. 485; 1992, c. 38, s. 73.

Duties.

486. In respect of this Act, the chief electoral officer shall, in particular,

(1) ensure the training of the election officers;

(1.1) ensure the updating of the information contained in the permanent list of electors;

(2) supervise the progress of the enumeration, the revision and the voting;

(3) issue directives for the administration of this Act;

(4) receive complaints and make inquiries where he considers it necessary.

Documents.

He may also prescribe the text of any forms and documents which serve for the administration of this Act.

1989, c. 1, s. 486; 1995, c. 23, s. 41.

Financing of political parties.

487. In respect of the financing of political parties and the control of election expenses, the chief electoral officer shall, in particular,

(1) authorize parties, party authorities, independent Members and independent candidates;

(2) verify that the parties, party authorities, independent Members and candidates are complying with the provisions of the Act;

(3) receive and examine the financial reports and statements and returns of election expenses;

(4) inquire into the legality of expenditures incurred by an authorized entity, and election contributions and expenses.

1989, c. 1, s. 487; 1998, c. 52, s. 78.

Public information.

488. In respect of public information, the chief electoral officer shall, in particular,

(1) provide any person applying therefor with advice and information regarding the administration of this Act;

(2) give the public access to the information, reports, returns or documents relating to this Act, omitting, if the information is published on a website on the Internet, the addresses of the electors who have made a contribution; however, in such a case, a copy in paper form that contains the addresses of those electors must be available;

(3) maintain a public centre for information on this Act;

(4) regularly hold information meetings and conferences for the benefit of the political parties and the public;

(5) at the request of a political party, furnish the information required for the training of the representatives of candidates, while allowing the other parties to delegate observers;

(6) make any public advertisements he considers necessary.

1989, c. 1, s. 488; 2001, c. 2, s. 51.

Contracts.

488.1. The chief electoral officer may, by regulation, determine the terms of the contracts the chief electoral officer is authorized to conclude.

Coming into force.

The regulation comes into force on the date of its approval by the Office of the National Assembly. The regulation shall be published in the *Gazette officielle du Québec*.

Regulation not applicable.

Where an election is ordered in conformity with this Act, the regulation referred to in the first paragraph and the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) do not apply to the chief electoral officer as regards the purchase or construction of property or the leasing and supply of goods and services necessary for the holding of the election.

1991, c. 73, s. 4; 1994, c. 18, s. 37; 2000, c. 8, s. 121; 2005, c. 7, s. 66.

Provisions applicable.

488.2. The Public Administration Act (chapter A-6.01), except subparagraph 6 of the first paragraph and the second paragraph of section 9, sections 10 to 23, subparagraph 3 of the second paragraph and the third paragraph of section 24, sections 25 to 28, the second paragraph of section 32, section 44, the fourth paragraph of section 45, sections 46 and 48 to 50, the third paragraph of section 57 and sections 58 to 66, 74, 75 and 78, applies to the chief electoral officer. The report referred to in section 24 of the said Act shall be included in the annual report of the chief electoral officer.

Tabling of strategic plan.

The strategic plan adopted by the chief electoral officer pursuant to section 8 of the Public Administration Act shall be tabled in the National Assembly by the President of the National Assembly.

2000, c. 8, s. 121.

Provisions applicable.

488.3. The provisions of the Financial Administration Act (chapter A-6.001) applicable to budget-funded bodies, except sections 30 and 31, apply to the management of the financial resources of the Commission de la représentation and of the Chief Electoral Officer.

2000, c. 15, s. 100.

Recommendations to party leaders.

489. The Chief Electoral Officer may recommend to the leaders of the authorized parties represented in the National Assembly the use of alternative voting procedures, new polling formalities or new rules concerning the counting and addition of votes in a by-election or a general election, in the latter case for all or only some of the electoral divisions.

Content.

The recommendation must specify the electoral divisions concerned. It must describe all the new measures proposed, stating the advantages and disadvantages of each and mentioning the provisions of this Act that the new measures replace.

Agreement.

If the recommendation is accepted by the leaders of the parties, it must be recorded in an agreement signed by them and the Chief Electoral Officer, which has force of law for the election concerned.

1989, c. 1, s. 489; 2006, c. 17, s. 29.

Adaptation of certain provisions.

489.1. The chief electoral officer, with the consent of the authorized parties represented in the National Assembly, may, where circumstances so require, in particular, by reason of the area or distance involved, adapt the provisions concerning the enumeration of electors, the revision process, the filing of nomination papers, the advance poll or the establishment of an identity verification panel.

1992, c. 38, s. 74; 1995, c. 23, s. 42; 2001, c. 2, s. 52.

Inadequate provisions.

490. If, during the election period or during an enumeration or revision period, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision of this Act does not meet the demands of the resultant situation, he may adapt such provision in order to achieve its object.

Information.

However, the chief electoral officer shall first inform the authorized parties represented in the National Assembly of the decision he intends to make and shall use all necessary means to inform the other authorized parties, the candidates and the electors concerned of his decision.

Within 30 days following polling day or the end of the enumeration or revision, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions he has made pursuant to this section. The President shall table the report in the National Assembly within 30 days of having received it or, if the National Assembly is not sitting, within 30 days of resumption.

1989, c. 1, s. 490; 1995, c. 23, s. 43; 1999, c. 15, s. 23.

491. The chief electoral officer, of his own initiative or at the request of another person, may inquire into the administration of this Act.

1989, c. 1, s. 491.

Frivolous request.

492. The chief electoral officer may refuse to make or to pursue an inquiry where he considers the request frivolous, vexatious or made in bad faith, or unnecessary in the circumstances.

1989, c. 1, s. 492.

Reasons for refusal.

493. Each time the chief electoral officer refuses to make or to pursue an inquiry at the request of a person, he shall inform that person of his refusal and give the reasons therefor in writing.

1989, c. 1, s. 493.

Powers.

494. In respect of his inquiries, the chief electoral officer or any person designated by him is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

Witnesses.

Articles 307 to 309 of the Code of Civil Procedure (chapter C-25) apply to witnesses heard at an inquiry.

1989, c. 1, s. 494; 1999, c. 15, s. 24.

DIVISION III

THE PERSONNEL OF THE CHIEF ELECTORAL OFFICER

Personnel.

495. The personnel required by the chief electoral officer shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

Delegated powers.

The powers conferred by the said Act on a deputy minister or on the chief executive officer of an agency are conferred on the Government which may delegate them wholly or in part to the chief electoral officer.

1989, c. 1, s. 495; 2000, c. 8, s. 242.

Assistants.

496. The chief electoral officer may appoint two assistants to assist him in the carrying out of his duties. He shall determine the level of their position, and if, consequent upon such determination, the Public Service Act (chapter F-3.1.1) is not applicable to an assistant, it is hereby made applicable to him without any other formality.

Delegation.

The chief electoral officer may generally or specially delegate the exercise of the powers and duties conferred on him by this Act to his assistants. The act of delegation shall be published in the *Gazette officielle du Québec*.

1989, c. 1, s. 496.

Temporary personnel.

497. The chief electoral officer may retain, on a temporary basis, the services of any persons he considers necessary, and fix their remuneration and expenses.

1989, c. 1, s. 497.

Duties of personnel.

498. The chief electoral officer shall define the duties of the members of his personnel and direct their work.

Partisan work.

No member of the personnel may engage in partisan work or act, except in connection with voting by mail, as an election officer.

1989, c. 1, s. 498; 2006, c. 17, s. 30.

Oath.

499. Before taking office, the members of the personnel of the chief electoral officer shall make the oath provided in Schedule I! before the chief electoral officer or the person he designates.

1989, c. 1, s. 499.

Authenticity of documents.

500. Documents and copies emanating from the chief electoral officer or his personnel are authentic if they are signed by the chief electoral officer or by a member of his personnel but, in the latter case, only to the extent determined by regulation.

1989, c. 1, s. 500.

Effect of signature.

501. No deed, document or writing binds the chief electoral officer or may be attributed to him unless it is signed by him, by a member of his personnel or by the assistant to the chairman of the Commission de la représentation, if any, or by a returning officer and, in the last three cases, only to the extent determined by regulation.

1989, c. 1, s. 501; 1998, c. 52, s. 79; 2001, c. 2, s. 53.

Automatic device.

501.1. The chief electoral officer may, on the conditions he determines, allow his signature to be affixed by means of an automatic device to the documents he determines.

Facsimile.

The chief electoral officer may also allow a facsimile of his signature to be engraved, lithographed or printed on the documents he determines. The facsimile must be countersigned by a person authorized by the chief electoral officer.

2001, c. 72, s. 28.

CHAPTER II

THE RETURNING OFFICER

Appointment.

502. The chief electoral officer shall appoint a returning officer for each electoral division.

1989, c. 1, s. 502.

Public competition.

503. The appointment of a returning officer shall be made after a public competition among the qualified electors domiciled in the electoral division concerned or in a contiguous electoral division, provided, in this latter case, that the person is able to carry out his duties in as satisfactory a manner as if he were domiciled in the electoral division for which he is appointed.

Impartiality.

The competition shall be designed to allow impartial consideration of the merits of the candidates.

Selection criteria.

The selection shall be based on criteria of qualifications and competence and the appointment shall be made according to the order of merit of the candidates.

1989, c. 1, s. 503.

Notice.

504. A notice of the competition shall be published by the chief electoral officer so as to allow every qualified person a reasonable opportunity to apply.

1989, c. 1, s. 504.

Term of office.

505. The term of office of a returning officer is ten years. Notwithstanding the expiry of his term of office, he shall remain in office until he is reappointed or replaced.

1989, c. 1, s. 505.

Appointment of substitute.

506. If a returning officer is absent or incapacitated or if the office of returning officer is vacant, the chief electoral officer may appoint a substitute for him. The substitute shall hold all the powers and duties of a returning officer.

Duration.

Such an appointment ceases to have effect immediately upon the termination of the absence or incapacity or the appointment of a new returning officer.

1989, c. 1, s. 506.

Duties.

507. The conditions of exercise of the duties of a returning officer shall be determined by regulation.

1989, c. 1, s. 507.

Public notice.

508. On the appointment of a returning officer, the chief electoral officer shall publish a notice of it in the *Gazette officielle du Québec*.

1989, c. 1, s. 508.

Oath.

509. Before taking office, a returning officer shall make the oath provided in Schedule II before the chief electoral officer or the person designated by him.

1989, c. 1, s. 509.

Assistant returning officer.

510. On being appointed, the returning officer shall appoint an assistant returning officer, who shall not be his spouse nor be related or allied to him.

Assistants.

If the returning officer considers it necessary, he may, with the consent of the chief electoral officer, appoint one or more assistants to help the assistant returning officer in the exercise of his duties.

Aides.

He may, in the same manner, appoint aides to assist him in the performance of his duties.

1989, c. 1, s. 510.

Duties of assistant returning officer.

511. The assistant returning officer shall assist the returning officer in the exercise of his duties and replace him in case of his absence or while he is incapacitated, unless the chief electoral officer exercises his powers under section 506.

1989, c. 1, s. 511.

Duties of returning officer.

512. The returning officer, under the authority of the chief electoral officer, is responsible, in the electoral division to which he is appointed, for the administration of this Act and the training of election officers.

1989, c. 1, s. 512.

Dismissal.

513. The chief electoral officer may dismiss a returning officer who fails to perform his duties, engages in partisan work or is not qualified to hold the office or who does not comply with one of the requirements of the office.

1989, c. 1, s. 513.

CHAPTER III

ADVISORY COMMITTEE

Advisory committee.

514. An advisory committee is hereby established.

1989, c. 1, s. 514.

Composition.

515. The committee shall be composed of the chief electoral officer and of three representatives of each authorized party represented in the National Assembly.

Party representatives.

The leader of each party shall designate the representatives of the party, at least one of whom shall be a Member of the National Assembly.

1989, c. 1, s. 515.

Chairman.

516. The committee shall be presided over by the chief electoral officer, who shall direct its activities and coordinate its work.

1989, c. 1, s. 516.

Quorum.

517. The majority of the members of the committee, including the chairman, are a quorum.

1989, c. 1, s. 517.

Remuneration.

518. The chairman and the members of the committee are not remunerated.

Reimbursement of expenses.

Notwithstanding the foregoing, those members who are not Members of the National Assembly are entitled to the reimbursement of reasonable expenses incurred by them in the performance of their duties.

1989, c. 1, s. 518.

Meetings.

519. At the request of the chairman or of one-third of its members, the committee may meet as often as necessary to carry out its duties and functions.

1989, c. 1, s. 519.

Duties.

520. The function of the committee is to give advice on any question relating to this Act, except matters respecting electoral representation.

1989, c. 1, s. 520.

Publication of results.

521. The committee may make the results of its work public.

1989, c. 1, s. 521.

Periodical consultation.

522. The chief electoral officer shall consult the committee periodically with regard to the administration of this Act.

1989, c. 1, s. 522.

Directives.

523. Prior to issuing any directive relating to the authorization and financing of political parties and independent candidates, and to the control of election expenses, the chief electoral officer shall submit it to the committee.

Directives.

He shall do likewise with every directive he is authorized to issue, except during an election period or enumeration period.

1989, c. 1, s. 523.

CHAPTER IV

COMMISSION DE LA REPRÉSENTATION

DIVISION I

COMPOSITION OF THE COMMISSION

"Commission de la représentation".

524. The "Commission de la représentation" is hereby established.

1989, c. 1, s. 524.

Composition.

525. The Commission shall consist of the chief electoral officer, who shall be its chairman, and of two commissioners chosen from among persons who are qualified electors.

1989, c. 1, s. 525.

Appointment of commissioners.

526. On a motion of the Prime Minister, the National Assembly, by a resolution approved by two-thirds of its members, shall appoint the commissioners.

1989, c. 1, s. 526.

Remuneration.

527. The commissioners are entitled, for each day of sittings held under this Act, to a payment equal to 1% of the minimum salary received annually by an administrator, Class V.

Allowances.

The Government shall determine the allowances to which the commissioners are entitled by using as a basis allowances granted to persons holding similar offices.

1989, c. 1, s. 527.

Term of office.

528. The commissioners shall be appointed for a term of office of five years.

Continuance in office.

At the expiry of their terms, they shall remain in office until they are reappointed or replaced.

1989, c. 1, s. 528.

Oath.

529. Before taking office, the other commissioners shall make the oath provided for in Schedule II, before the President of the National Assembly.

1989, c. 1, s. 529.

Resignation.

530. The commissioners may resign, at any time, by notifying the President of the National Assembly in writing.

Dismissal.

They cannot be dismissed except by a resolution of the National Assembly approved by two-thirds of its Members.

1989, c. 1, s. 530.

Replacement. **531.** If one of the commissioners is unable to act or if his office becomes vacant, the National Assembly shall, within 60 days, appoint a new commissioner, according to the mode of appointment provided in section 526.

Appointment. If the National Assembly is not in session, the Committee on the National Assembly shall appoint the new commissioner within the same time by a resolution approved by a majority of the members of each parliamentary group within the meaning of the Standing Orders of the National Assembly. The appointment must be approved by the National Assembly by a resolution approved by two-thirds of its Members within 30 days from resumption.

Term of office. Any appointment under this section is valid for the unexpired portion of the term of the replaced commissioner.

1989, c. 1, s. 531.

DIVISION II

FUNCTIONS AND POWERS

Duties. **532.** The function of the Commission is to establish the boundaries of the electoral divisions of Québec, taking into account the principles and criteria of representation set out in Chapter I of Title II of this Act.

Public information. The Commission shall make any necessary advertisements and give any information pertinent to the discharge of its function.

Other duties. The Commission shall also carry out any other mandate that the National Assembly, on a motion of the Prime Minister, may entrust to it.

1989, c. 1, s. 532.

DIVISION III

ORGANIZATION OF THE COMMISSION

Secretary. **533.** The Commission may appoint a secretary and fix his salary or his additional salary in the case where the person appointed is a public servant under the Public Service Act (chapter F-3.1.1). It may also retain the services of any person.

1989, c. 1, s. 533.

Oath. **534.** Before taking office, the secretary shall make the oath provided for in Schedule II, before the chairman of the Commission.

1989, c. 1, s. 534.

Chairman. **535.** The chairman shall direct the Commission and shall be responsible for its administration.

1989, c. 1, s. 535.

Assistance and personnel.

536. The chief electoral officer shall, in the discharge of his duties, provide the Commission with all required assistance, including that of his personnel.

Supervision.

The chairman shall supervise and direct his personnel.

Personnel.

The Commission has no other personnel than that provided by the chief electoral officer.

1989, c. 1, s. 536.

Assistant.

537. The chairman may appoint an assistant to assist him in the exercise of his duties. He shall choose him and determine his level of employment, and if, consequent upon such determination, the Public Service Act (chapter F-3.1.1) is not applicable to the assistant, it hereby becomes applicable to him without any other formality.

1989, c. 1, s. 537; 1998, c. 52, s. 80.

Immunity.

538. No member of the Commission, nor the assistant, nor the secretary, nor any member of the staff placed at the disposal of the Commission may be prosecuted for any official act performed in good faith in the exercise of his functions.

1989, c. 1, s. 538.

Authenticity of documents.

539. The minutes of Commission sittings and documents or copies emanating from the Commission are authentic if they are signed by the chairman, his assistant or the secretary.

1989, c. 1, s. 539.

Signature.

540. No deed, document or writing binds the Commission or may be ascribed to it unless it is signed by the chairman, his assistant or the secretary and, in the two latter cases, only so far as prescribed by regulation of the Commission published in the *Gazette officielle du Québec*.

1989, c. 1, s. 540.

Act applicable.

540.1. The Commission is subject to the Public Administration Act only to the extent that that Act applies to the chief electoral officer pursuant to section 488.2.

Provisions applicable.

The first two paragraphs of section 488.1 apply also, with the necessary modifications, to the Commission.

2000, c. 8, s. 122.

CHAPTER V

ANNUAL REPORT AND FINANCIAL PROVISIONS

Sums required.

541. The sums required for the administration of this Act, as well as the sums required for the carrying out of responsibilities assigned to the chief electoral officer and the Commission de la représentation by the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) and the Act respecting school elections (chapter E-2.3), are taken out of the consolidated revenue fund.

1989, c. 1, s. 541; 2001, c. 45, s. 10.

Annual report.

542. Not later than 30 September each year, the chief electoral officer and the Commission de la représentation shall make a report of their activities, including a financial report, for the preceding fiscal year to the President of the National Assembly.

Contents.

The report shall, in particular, contain a statement of the complaints received and how each was dealt with, the informational and training activities carried on, the requests for access to the lists of electors and the activities engaged in at the international level. The chief electoral officer may, in his report, recommend new election procedures or new rules regarding the financing of political parties.

Contents.

The report of the chief electoral officer shall, in addition, give an account of the management of the permanent list of electors and include an assessment of the quality of the information it contains. The chief electoral officer may recommend the holding of an enumeration or revision or the implementation of any other measure allowing a total or partial verification of the permanent list of electors.

Tabling of report.

The President of the National Assembly shall table the reports before the National Assembly within fifteen days of receiving them or, if it is not sitting, within fifteen days of resumption.

1989, c. 1, s. 542; 1992, c. 38, s. 75; 1995, c. 23, s. 44.

Committee on the National Assembly.

542.1. Where it is recommended in the report of the chief electoral officer that a verification of the permanent list of electors be carried out, the report shall be submitted to the Committee on the National Assembly or the committee designated by it, for examination.

1995, c. 23, s. 45.

Budgetary estimates.

543. Each year, the chief electoral officer and the Commission de la représentation shall prepare the budgetary estimates and remit them to the President of the National Assembly before 1 April.

Supplementary estimates.

Where, during the fiscal year, the chief electoral officer or the Commission de la représentation foresees that the budgetary estimates will be exceeded for purposes other than those contemplated in section 545, they shall prepare supplementary estimates and remit them to the President of the National Assembly.

1989, c. 1, s. 543.

Parliamentary committee.

544. The National Assembly shall refer, to a parliamentary committee, the budgetary estimates of the chief electoral officer and of the Commission de la représentation, and they shall furnish the parliamentary committee with a preliminary financial report for the preceding fiscal year.

1989, c. 1, s. 544.

Unforseen expenses.

545. The committee may also study the expenditures made in view of a polling or at the time of a polling, and expenditures made for any mandate that the National Assembly entrusted to the chief electoral officer or to the Commission de la représentation and which were impossible to include in the budget for the preceding fiscal year.

1989, c. 1, s. 545.

Approval.

546. The committee shall approve the budget and table its report in the National Assembly.

1989, c. 1, s. 546.

Establishment of boundaries.

547. The examination in parliamentary committee of the budget of the Commission de la représentation shall not take place while boundaries of electoral divisions are being established.

Tabling of budget.

In such a case, the mere tabling in the National Assembly of the budget of the Commission shall take the place of its approval.

1989, c. 1, s. 547.

Report of expenses.

548. Within three months from publication of the list of electoral divisions in the *Gazette officielle du Québec*, the Commission de la représentation shall remit to the President of the National Assembly a report of any expenses related to the establishment of the boundaries of the electoral divisions.

1989, c. 1, s. 548.

TITLE VII

REGULATIONS

Regulation.

549. The Government may, by regulation,

(1) establish a tariff of remuneration and expenses of election officers and members of the permanent board of revisors;

(1.1) establish a tariff of fees payable for the production of a list to be used for a municipal or school election or the registration of qualified electors;

(1.2) establish a tariff of fees payable for the transmission of information contained in the permanent list of electors for the purpose of drawing up a list to be used in a federal poll;

(2) establish a tariff of costs for a judicial recount;

(3) determine the maximum amount of the expenses that may be incurred by the chief electoral officer under the second paragraph of section 137.

(4) determine, after consultation with the advisory committee, the documents issued by the Government or a government department or body or recognized by the Government that may be produced for the purposes of the second paragraph of section 337.

1989, c. 1, s. 549; 1995, c. 23, s. 46; 1999, c. 15, s. 25; 2001, c. 2, s. 54.

Regulations.

550. The chief electoral officer shall draft regulations on those matters which must be provided for by regulation under this Act, except on those contemplated in section 549.

Approval.

The regulations shall be submitted to the Committee on the National Assembly or to any other committee designated by the National Assembly, which may approve them with or without amendment.

Coming into force.

A regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

1989, c. 1, s. 550; 2001, c. 2, s. 55.

TITLE VIII

PENAL PROVISIONS

Offences and penalties.

551. The following persons are liable to a fine of $100 to $1 000 for a first offence and of $200 to $2 000 for any subsequent offence within five years:

(1) every owner, manager, operator, superintendent, caretaker or person in charge of a residential building, a residence for the elderly listed in the register established under the Act respecting health services and social services (chapter S-4.2) or a lodging facility operated by an organization for the purpose of ensuring the safety of a person or of the person's children who limits, restricts or fails to facilitate access to the building or residence for an enumerator or a person in charge of distributing a notice or document from the Chief Electoral Officer or the returning officer;

(2) every executive director of an institution referred to in the second paragraph of section 135.1 who limits, restricts or fails to facilitate access to a facility maintained by that institution for an enumerator or a person in charge of distributing a notice or document from the Chief Electoral Officer or the returning officer;

(3) every enumerator or revisor who refuses or neglects to perform his duties in accordance with the provisions of this Act;

(4) *(paragraph repealed).*

1989, c. 1, s. 551; 1992, c. 21, s. 164; 1995, c. 23, s. 47; 1997, c. 8, s. 18; 2001, c. 72, s. 29; 2006, c. 17, s. 31.

Offences and penalties.

551.1. The following persons are liable to a fine of $500 to $2 000:

(1) every person who signs an enumeration slip that contains information he knows to be false or inaccurate or who makes a false declaration to an enumerator;

(2) every person who, knowingly, enters on the permanent list of electors or on a list of electors the name of a person who is not qualified as an elector or who is not entitled to have his name entered where it is entered;

(3) every person who, knowingly, omits to enter on the permanent list of electors or on a list of electors the name of a person whose name should be entered;

(4) every person who applies to have the name of a person he knows to be fictitious or deceased, or of a person who is not qualified as an elector or who is not entitled to have his name entered, entered on the permanent list of electors or on a list of electors;

(5) every person who applies to have his name entered on the list of electors for a polling subdivision knowing that he is not entitled thereto;

(6) every person who applies to have the name of a person he knows is entitled to have his name entered struck off the list of electors;

(7) every person who strikes off the permanent list of electors or off a list of electors the name of a person he knows is entitled to have his name entered.

1995, c. 23, s. 47.

Offences and penalties.

551.1.0.1. Every person who writes down or otherwise records information contained in a document produced pursuant to section 335.2 or pursuant to the second paragraph of section 337 is liable to a fine of $500 to $2 000.

1999, c. 15, s. 26.

Offence and penalties.

551.1.1. Every person who uses, communicates or allows to be communicated, for purposes other than those provided for in this Act, or who communicates or allows to be communicated to a person not legally entitled thereto, any information relating to electors is liable to a fine of $500 to $2 000.

1997, c. 8, s. 19.

Offences and penalties.

551.2. Every person who, for commercial purposes or for profit, uses a list of electors or any information contained in a document produced pursuant to section 335.2 or pursuant to the second paragraph of section 337 is liable to a fine of $1 000 to $10 000, in the case of a natural person, and of $3 000 to $30 000, in the case of a legal person.

1995, c. 23, s. 47; 1999, c. 15, s. 27.

Offences and penalties.

551.3. Every person who, without authorization, attempts to gain or gains access to the register of electors or the register of territories by electronic or telematic means, is liable to a fine of $1 000 to $10 000, in the case of a natural person, and of $3 000 to $30 000, in the case of a legal person.

1995, c. 23, s. 47.

Additional fine.

551.4. Where a person is convicted of an offence under section 551.1.1, 551.2 or 551.3, a judge may, on an application by the prosecutor which is attached to the statement of offence, in addition to imposing any other penalty, impose an additional fine of an amount equal to the amount of the monetary benefit acquired by or accrued to the person as a result of the commission of the offence, even if the maximum fine under another provision has been imposed on him.

1997, c. 8, s. 20.

Offences and penalties.

552. The following persons are liable to a fine of $100 to $1 000 for a first offence and of $200 to $2 000 for every subsequent offence within five years:

(1) every person who offers himself as a candidate, knowing he is disqualified;

(2) every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed;

(3) every person who uses the signature of others as support on a nomination paper;

(4) every candidate or mandatary who collects signatures of support and falsely declares that he knows the persons whose names appear on the nomination papers, that they signed in his presence or that they are electors in the electoral division;

(5) every person who collects signatures of support without being a candidate or mandatary;

(6) every candidate who signs more than one nomination paper;

(7) every person who presents himself as a candidate of an authorized party, when the letter contemplated in section 241 is false;

(8) every returning officer who accepts a nomination paper which is improper or not accompanied with all the required documents.

1989, c. 1, s. 552; 1998, c. 52, s. 81; 2001, c. 72, s. 30.

Offences and penalties.

553. The following persons are liable to a fine of $100 to $1 000 for a first offence and of $200 to $2 000 for any subsequent offence within five years:

(1) every executive director, manager, superintendent, caretaker, operator, owner or person in charge of a residential facility referred to in section 301.6 who hinders access to a polling station set up in the facility or to a mobile advance polling station;

(2) every person who modifies or imitates the initials of the deputy returning officer;

(3) every person who acts as the representative of a candidate using a false power of attorney;

(4) every election officer who arrives late at the polling station in order to delay the opening of the poll.

1989, c. 1, s. 553; 1992, c. 21, s. 165; 1995, c. 23, s. 48; 2006, c. 17, s. 32.

Offences and penalties.

553.1. The following persons are liable to a fine of $500 to $2 000:

(1) every person who votes more than once at the same election;

(2) every deputy returning officer who permits a person to vote without being registered on the list of electors or without having obtained an authorization to vote;

(2.1) every person who, to be admitted to vote or to allow someone to vote, makes a false declaration, produces a fraudulent document as identification or assumes the identity of another person;

(3) every person who votes without being entitled to vote;

(4) every deputy returning officer who remits a ballot paper to a person who refuses to make the oath required;

(5) every deputy returning officer who knowingly admits to vote a person who has already voted.

1995, c. 23, s. 48; 1998, c. 52, s. 82; 1999, c. 15, s. 28.

Offences and penalties.

554. The following persons are liable to a fine of $100 to $1 000 for a first offence and of $200 to $2 000 for every subsequent offence within five years:

(1) every person who falsifies the statement of votes;

(2) every person who knowingly destroys a ballot paper before the end of the period for the contestation of the election;

(3) every returning officer who makes a fraudulent declaration or issues a fraudulent declaration of election.

1989, c. 1, s. 554.

Offences and penalties.

555. The following persons are liable to a fine of $100 to $1 000 for a first offence and of $200 to $2 000 for every subsequent offence within five years:

(1) every person who performs duties reserved to the election officers without being qualified therefor, without being officially appointed or without making the oath required;

(1.1) every person who misinterprets the law intentionally;

(1.2) every person who counterfeits or misappropriates for partisan purposes a document emanating from the chief electoral officer;

(2) every person who hinders the work of an election officer;

(3) the chief electoral officer and every member of his personnel or election officer who fraudulently neglects or refuses to act or acts against this Act;

(4) every election officer who, having been dismissed or having ceased to carry out his duties, refuses to return the official documents in his possession to the returning officer or, in the case of the returning officer, to the chief electoral officer.

1989, c. 1, s. 555; 1998, c. 52, s. 83.

Offences and penalties.

556. The following persons are liable to a fine of $100 to $1 000 for a first offence and of $200 to $2 000 for every subsequent offence within five years, in the case of a natural person, or, in the case of a legal person, to a fine of $300 to $3 000 for a first offence and of $600 to $6 000 for every subsequent offence within five years:

(1) every employer who contravenes section 144, 248 to 254 or 335;

(2) every employer who uses his authority or his influence to incite any of his employees to refuse to become an election officer or to abandon that office after having accepted it;

(3) every person who, illegally and without right, counterfeits, manufactures, removes, uses, destroys, gives, sells or issues any badge to be used by the enumerators;

(4) every person who knowingly spreads false news of the withdrawal of a candidate;

(5) every person who knowingly prints or uses a false ballot paper or alters or counterfeits a ballot paper.

1989, c. 1, s. 556.

Offences and penalties.

556.1. The following persons are liable to a fine of $200 to $1 000:

(1) every person who erects an election poster or billboard in contravention of any of the provisions of sections 259.2 to 259.5 or of the conditions provided in the first paragraph of section 259.7;

(2) every person who affixes an election banner, streamer or flag on a public utility pole.

1998, c. 52, s. 84.

Offences and penalties.

557. Every person who knowingly violates or attempts to violate the secrecy of voting, inhibits or attempts to inhibit the freedom to vote, prevents or attempts to prevent any procedure relating to the vote, or alters or attempts to alter the results of the election, is liable, in the case of a natural person, to a fine of $1 000 to $10 000 or, in the case of a legal person, to a fine of $3 000 to $30 000.

1989, c. 1, s. 557.

Offences and penalties.

558. The following persons are liable to a fine of $1 000 to $10 000:

(1) every candidate or every person who later becomes a candidate who, in order to influence the vote of an elector, obtains or attempts to obtain, by himself or through another person, his vote or incites him to refrain from voting by promising or granting him any gift, loan, office, employment or other benefit;

(2) every person who, in order to obtain or because he has obtained a gift, loan, office, employment or any other benefit, agrees to refrain from voting or to vote for a candidate, or incites a person to refrain from voting or to vote for a candidate.

Exceptions. The first paragraph does not apply

(1) to an official agent who provides, as election expenses, food and beverages to electors or a person working to promote the election of a candidate at an election;

(2) to any person other than an official agent who, at his own expense, provides food and beverages at a private meeting of electors held to promote the election of a candidate at an election; or

(3) to any person accepting food or beverages.

1989, c. 1, s. 558; 1992, c. 38, s. 76.

Official agent. **559.** Every official agent is liable to a fine of $1 000 to $10 000 who

(1) incurs or authorizes election expenses exceeding the maximum fixed by section 426;

(2) files a false report, return or statement;

(3) produces a false or falsified invoice, receipt or other voucher;

(4) after filing his report or return, pays a claim otherwise than as permitted by section 445.

Fine. Every elector referred to in section 457.3 or in the last paragraph of section 457.4 who makes a false declaration, files a false report or produces a false or falsified invoice, receipt or voucher is also liable to a fine of $1 000 to $10 000.

1989, c. 1, s. 559; 1998, c. 52, s. 85.

Official representative. **559.0.1.** Every official representative is liable to a fine of $1 000 to $10 000 who

(1) files a false report, return or statement;

(2) produces a false or falsified invoice, receipt or other voucher;

(3) pays a claim otherwise than as permitted by section 445.

2001, c. 72, s. 31.

Fine. **559.1.** The following persons are liable to a fine of $1 000 to $10 000:

(1) every person who attempts to incur an election expense otherwise than as permitted by this Act;

(2) every person who makes a false invoice, receipt or voucher;

(3) every person who falsifies an invoice, receipt or voucher.

1998, c. 52, s. 86.

Election expenses. **560.** Every candidate or party leader who allows any election expense to be incurred or paid for otherwise than as permitted by this Act is liable to a fine of $1 000 to $10 000.

1989, c. 1, s. 560.

Authorization.

561. Every person who solicits or collects contributions or incurs expenses without holding an authorization from the chief electoral officer is liable to a fine of $1 000 to $10 000 in the case of a natural person or, in the case of a legal person, to a fine of $3 000 to $30 000.

1989, c. 1, s. 561.

Member of the National Assembly.

562. The Member who sits or votes in the National Assembly contrary to section 127 or 442 is liable to a fine of $500 for each day on which he so sits or votes.

1989, c. 1, s. 562; 1998, c. 52, s. 87.

Omissions.

563. Every person who fails to file a report or return prescribed by Titles III and IV or to pay within the prescribed time a claim made by the chief electoral officer under section 453 or section 455 is liable to a fine of $50 for each day of delay.

1989, c. 1, s. 563.

Offences and penalties.

564. Every person who contravenes any of sections 62, 64, 66, 74, 76, 87 to 93, 95 to 97, 99, 100, 102 to 106, 408, 410, 413 to 424, 429, 429.1, 457.9 and 457.11 to 457.17 is liable to a fine of $500 to $10 000.

Additional fine.

Where a person is found guilty of an offence under section 87, 90, 91 or 95, a judge may, on an application by the prosecutor which is attached to the statement of offence, in addition to imposing any other penalty, impose an additional fine of an amount equal to the illegal contribution for which the person has been found guilty, even if the maximum fine under the first paragraph has been imposed on the person.

1989, c. 1, s. 564; 1995, c. 23, s. 49; 1998, c. 52, s. 88; 2001, c. 72, s. 32.

Fine.

565. Every person who contravenes any provision of this Act or the regulations hereunder for which no other penalty is provided is liable to a fine of not more than $500.

1989, c. 1, s. 565.

Aiding.

566. Every person who, by his act or omission, aids another person to commit an offence is guilty of the offence if he knew or should have known that his conduct would probably result in aiding to commit the offence.

Inciting.

Every person who encourages, advises, allows, authorizes or orders another person to commit an offence is guilty of the offence, and of any other offence the other person commits if he knew or should have known that his conduct would probably result in the commission of the offences.

Insufficient ground.

The fact that no means or plan for committing the offence was proposed or that it was committed otherwise than as proposed does not constitute a defence.

1989, c. 1, s. 566; 1998, c. 52, s. 89.

Corrupt electoral practices.

567. Any offence described in section 551.1 or 553.1, in paragraph 1 or 3 of section 554, in paragraph 3 of section 555, in paragraph 4 of section 556 or in sections 557 to 560 is a corrupt electoral practice.

Error in good faith.

Notwithstanding the foregoing, in the case of an offence described in paragraph 1 of section 559, the judge may rule that the alleged offence is not a corrupt electoral practice if, pursuant to a judgment rendered under the second paragraph of section 445, the election expenses incurred or authorized by the official agent exceed the maximum fixed by section 426 and if the refusal or failure to pay the contested expense arises from an error in good faith.

1989, c. 1, s. 567; 1995, c. 23, s. 50.

Loss of right.

568. Every person who is convicted of an offence that is a corrupt electoral practice loses, for a period of five years from the judgment, the right to engage in partisan work, vote or be a candidate in an election and, for the same period, shall not hold any office to which appointment is made by an order of the Government or by a resolution of the National Assembly.

Election void.

Furthermore, where the person convicted of an offence contemplated in section 557 or 558 is a Member of the National Assembly, his election is void.

1989, c. 1, s. 568; 1990, c. 4, s. 965.

Criteria.

568.1. Where a penalty greater than the minimum penalty is requested, the judge shall have regard, in particular, to the following criteria if they are alleged by the prosecutor in the statement of offence:

(1) the fact that it is a second or subsequent conviction;

(2) the status of the offender;

(3) the size of the expense or contribution.

1998, c. 52, s. 90.

Penal proceedings.

569. The chief electoral officer may institute penal proceedings for an offence under this Title.

Prescription.

Such proceedings shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.

1989, c. 1, s. 569; 1990, c. 4, s. 966; 1992, c. 61, s. 285.

TITLE IX

AMENDMENTS AND MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I

MISCELLANEOUS PROVISIONS

Correction of personal information.

570. Notwithstanding section 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person may request the correction of personal information contained in the permanent list of electors or the list to be used for an election otherwise than as provided by this Act.

Authorization.

Notwithstanding section 125 of the said Act, only the chief electoral officer may grant the authorization provided for in that section.

Ballot papers.

Notwithstanding section 9 of the said Act, ballot papers are accessible only in the manner prescribed by this Act.

1989, c. 1, s. 570; 1995, c. 23, s. 51.

Warrant of arrest.

571. No warrant of arrest may be executed against an election officer on polling day.

1989, c. 1, s. 571.

Witness.

572. No elector qualified to vote is bound to appear as a witness before a judge or court on polling day.

1989, c. 1, s. 572.

Testimony.

572.1. Notwithstanding any general law or special Act, neither the chief electoral officer nor his employees may be compelled to give testimony relating to information obtained in the performance of their duties or to produce any document containing such information.

1999, c. 15, s. 29.

Immunity.

572.2. No proceedings may be brought against the chief electoral officer or his employees by reason of an act or omission in good faith in the performance of their duties.

1999, c. 15, s. 29.

Immunity.

572.3. No civil action may be instituted by reason of the publication of a report of the chief electoral officer or of the publication in good faith of an extract from or a summary of such a report.

1999, c. 15, s. 29.

Immunity.

573. Except with respect to a matter of jurisdiction, no recourse under section 33 of the Code of Civil Procedure (chapter C-25) nor any extraordinary recourse or provisional remedy provided in the said Code lies against the chief electoral officer, any member of his personnel or any election officer, or against the Commission de la représentation, any of its members or any member of its personnel, in the performance of his or its duties.

Injunction.

A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to this section.

1989, c. 1, s. 573.

CHAPTER II

TRANSITIONAL PROVISIONS

574. This Act replaces the Election Act (chapter E-3.2) and the Act respecting electoral representation (chapter R-24.1).

Notwithstanding the foregoing, any election instituted before 24 April 1989 continues to be governed by the Election Act (chapter E-3.2).

1989, c. 1, s. 574.

Chief electoral officer.

575. The chief electoral officer in office on 24 April 1989 shall remain in office and the provisions applicable to his salary as chief electoral officer and as chairman of the Commission de la représentation, to his dismissal and to his pension remain in force with respect to him.

Annual salary.

For the purposes of section 231 of the Courts of Justice Act (chapter T-16), the annual salary taken into consideration corresponds to the salary referred to in the first paragraph, regardless of the exclusion concerning additional remuneration set out in the second paragraph, from the date on which he took office.

Payment of contributions.

The chief electoral officer must, for the purposes of Part VI of the Courts of Justice Act, pay the contributions he should have paid from the date on which he took office. The contributions are computed in respect of the total salary received by him from that date as chief electoral officer, and as chairman of the Commission de la représentation, with interest at 6 %, computed annually from the midpoint of the year during which the contributions should have been paid until the date of the payment to the Commission administrative des régimes de retraite et d'assurances.

Payment of amounts.

The chief electoral officer must pay the amounts determined under the third paragraph within 90 days of receiving a notice from the Commission.

1989, c. 1, s. 575; 1992, c. 38, s. 77.

Continuance in office.

576. Every person in office on 24 April 1989 and appointed under a provision replaced by this Act continues to hold office until the expiry of the term for which he was appointed or until he is replaced or until he ceases to perform his duties according to law. The person is deemed, where such is the case, to have been appointed under the corresponding provision of this Act.

Continuance in office.

The first paragraph does not prevent a person from continuing to perform his duties, notwithstanding the expiry of the term for which he was appointed, until he is replaced or reappointed, where the law so provides.

1989, c. 1, s. 576.

Regulations continued.

577. All regulations, orders and directives made or issued under the Election Act (chapter E-3.2) shall continue to be in force until they are repealed, replaced or amended by regulations, orders or directives made or issued under this Act.

1989, c. 1, s. 577.

Authorization.

578. All authorizations granted to parties, party authorities or independent candidates under the Election Act (chapter E-3.2) before 24 April 1989 remain in force under this Act.

1989, c. 1, s. 578.

Proceedings.

579. Proceedings relating to an offence under the Election Act (chapter E-3.2) shall be brought or continued in accordance with that Act.

1989, c. 1, s. 579.

Transfer of appropriations.

580. All sums made available to the chief electoral officer under the Election Act (chapter E-3.2) and to the Commission de la représentation under the Act respecting electoral representation (chapter R-24.1) are hereby transferred to them without other formality.

1989, c. 1, s. 580.

CHAPTER III

AMENDMENTS AND FINAL PROVISIONS

581. *(Amendment integrated into c. A-2.1, Schedule A).*

1989, c. 1, s. 581.

582. *(Amendment integrated into c. A-23.1, s. 1).*

1989, c. 1, s. 582.

583. *(Amendment integrated into c. A-23.1, s. 17).*

1989, c. 1, s. 583.

584. *(Amendment integrated into c. C-64.1, s. 1).*

1989, c. 1, s. 584.

585. *(Amendment integrated into c. C-64.1, s. 13).*

1989, c. 1, s. 585.

586. *(Amendment integrated into c. C-64.1, s. 16).*

1989, c. 1, s. 586.

587. *(Omitted).*

1989, c. 1, s. 587.

588. *(Amendment integrated into c. C-64.1, s. 18).*

1989, c. 1, s. 588.

589. *(Amendment integrated into c. C-64.1, s. 28).*

1989, c. 1, s. 589.

590. *(Amendment integrated into c. C-64.1, s. 37).*

1989, c. 1, s. 590.

591. *(Amendment integrated into c. C-64.1, s. 42).*

1989, c. 1, s. 591.

592. *(Amendment integrated into c. C-64.1, s. 43).*

1989, c. 1, s. 592.

593. *(Amendment integrated into c. C-64.1, s. 44).*

1989, c. 1, s. 593.

594. *(Amendment integrated into c. C-64.1, s. 45).*

1989, c. 1, s. 594.

595. *(Amendment integrated into c. C-64.1, Appendix 2).*

1989, c. 1, s. 595.

596. *(Amendment integrated into c. E-2.2, s. 53).*

1989, c. 1, s. 596.

597. *(Amendment integrated into c. E-2.2, s. 69).*

1989, c. 1, s. 597.

598. *(Amendment integrated into c. E-2.2, s. 97).*

1989, c. 1, s. 598.

599. *(Amendment integrated into c. E-2.2, s. 301).*

1989, c. 1, s. 599.

600. *(Amendment integrated into c. E-2.2, s. 383).*

1989, c. 1, s. 600

601. *(Amendment integrated into c. E-2.2, s. 389).*

1989, c. 1, s. 601.

602. *(Amendment integrated into c. E-2.2, s. 524).*

1989, c. 1, s. 602.

603. *(Amendment integrated into c. I-3, s. 776).*

1989, c. 1, s. 603.

604. *(Amendment integrated into c. J-2, s. 1).*

1989, c. 1, s. 604.

605. *(Amendment integrated into c. J-2, s. 8).*

1989, c. 1, s. 605.

606. *(Amendment integrated into c. M-23.01, s. 9).*

1989, c. 1, s. 606.

607. *(Amendment integrated into c. P-9.1, s. 64).*

1989, c. 1, s. 607.

608. *(Omitted).*

1989, c. 1, s. 608.

SCHEDULE I

ELECTORAL DIVISION OF ÎLES-DE-LA-MADELEINE

(Section 17)

The electoral division of Îles-de-la-Madeleine is situated in the gulf of St Lawrence, between parallels 47° 10' and 48° 00' North latitude and meridians 61° 00' and 62° 20' West longitude and comprises Île d'Entrée, Havre Aubert (Amherst) island, Havre aux Maisons island, Cap aux Meules (Grindstone) island, Île aux Loups, Grosse Île, Île de la Grande Entrée, Shag island, Brion island, the rocher aux Margaux, the rocher aux Oiseaux, the Corps-Mort (Dead man's island) and other islands situated wholly or in part within such boundaries.

This electoral division comprises the territories of the municipalities of Cap-aux-Meules, Fatima, Grande-Entrée, Grosse-Île, Havre-aux-Maisons, Île-d'Entrée, Île-du-Havre-Aubert and L'Étang-du-Nord.

1989, c. 1, Schedule I; 1996, c. 2, s. 665.

SCHEDULE II

(Sections 136, 272, 481, 499, 509, 529, 534)

OATH OF OFFICE

I, *name*, declare under oath that I will fulfil the duties assigned to me under the Election Act (Revised Statutes of Québec, chapter E-3.3) faithfully and honestly without fear of or favour towards any one, and that I will not reveal, unless expressly authorized, anything that may come to my knowledge by reason of my office.

1989, c. 1, Schedule II; 1999, c. 40, s. 116.

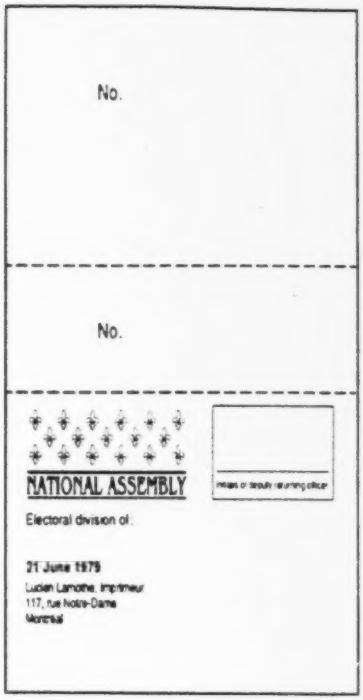
SCHEDULE III

(Sections 277 became 298 and 320)

BALLOT PAPER

OBVERSE

REVERSE



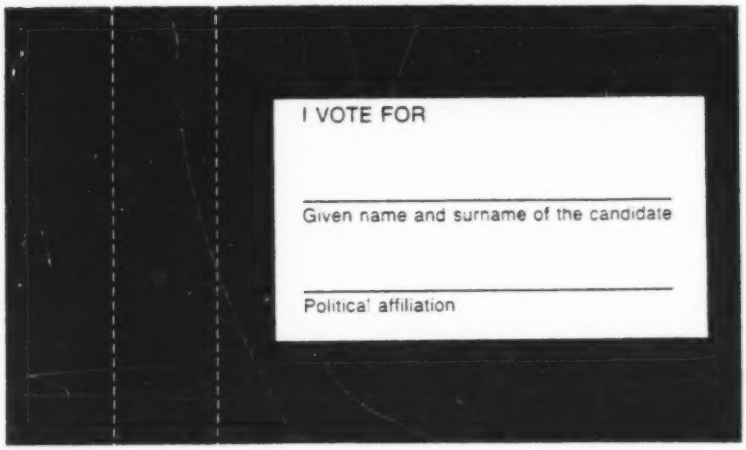
1989, c. 1, Schedule III; 1998, c. 52, s. 91.

SCHEDULE IV

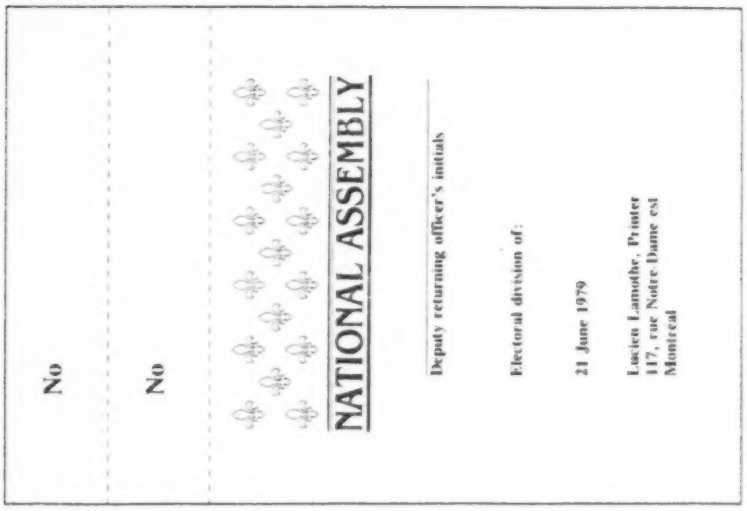
(Section 293)

BALLOT PAPER FOR ELECTORS OUTSIDE QUEBEC

OBVERSE



REVERSE



1989, c. 1, Schedule IV.

SCHEDULE V

(Section 595)

REFERENDUM ACT

(Amendment integrated into C-64.1, Appendix 2).

1989, c. 1, Schedule V; 1990, c. 4, s. 967.

ELECTION REGULATIONS

INFORMATION PERTAINING TO THE ELECTION REGULATIONS

The Election Regulations were drafted by the Chief Electoral Officer and approved by the Standing Committee of the National Assembly in accordance with section 550 of the Election Act.

The Regulation respecting the tariff of remuneration and expenses of election officers, the Regulation respecting the tariff of remuneration and expenses of permanent board members, the Recount (costs) Regulation and the Elector Identification Regulation were made by Order in Council in accordance with section 549 of the Election Act.

TABLE OF CONTENTS

page

Ballot papers (paper manufacturer and printer) regulation 175

Elector Identification Regulation 177

Enumerator's badge regulation 179

Enumerators, revisors and revising officers (right to recommend) regulation 181

Nomination regulation 185
Form 42: nomination paper 187

Recount (costs) regulation 211

Regulation respecting the authenticity of documents issued by the Chief Electoral Officer and the delegation of signing authority 215

Regulation respecting the conditions of exercice of the duties of returning officer 217

Regulation respecting the determination of the candidates entitled to recommend certain election officers 221

page

Regulation respecting the notice of a new election following the death of a candidate 225
Form 41: notice of a new election following the death of a candidate 226

Regulation respecting the tariff of remuneration and expenses of election officers 227

Regulation respecting the tariff of remuneration and expenses of permanent board members 231

Tie vote (new election notice) regulation 233
Form 40: Notice of a new election on account of a tie vote 234

Voting regulation 235
Form 46: oath of elector whose description is slightly different from the description entered on the list of electors 238
Form 47: oath of elector 239
Form 48: oath of elector allowed to vote after another person has voted under his name 240
Form 49: visually handicapped electors template 241
Form 50: authorization to vote 242

BALLOT PAPERS (PAPER MANUFACTURER AND PRINTER) REGULATION

Election Act
(R.S.Q., c. E-3.3, ss. 322 and 550)

DIVISION I

GENERAL

1. The Interpretation Act (R.S.Q., c. I-16), as amended from time to time, applies to this Regulation.

DIVISION II

MANUFACTURER OF PAPER FOR BALLOTS

2. The manufacturer of the paper required to print the ballot papers may not deliver the paper or disclose the thread or the special mark to any person other than the Chief Electoral Officer.

3. Against breach of section 2, the manufacturer shall furnish security of 10 000 $.

DIVISION III

PRINTER OF BALLOTS

4. When he receives the paper for printing the ballot papers, the printer shall count the sheets and send a receipt the same day to the Chief Electoral Officer.

5. When the printing of the ballot papers is completed, the printer shall replace in the box that contained the paper, every sheet of paper not used or spoiled as well as all the scraps of those sheets used.

The printer shall seal the box and send it back to the returning officer.

6. When delivering the ballot papers to the returning officer, the printer shall produce an affidavit containing the following information:

1° description of the ballot papers delivered;

2° number of sheets of paper he received to print them;

3° number of ballot papers made with each sheet of paper;

4° number of ballot papers delivered;

5° number of sheets of paper not used;

6° surname and given name of every person who worked at printing, counting, binding, packing or delivering the ballot papers.

The affidavit must also certify that no other ballot paper corresponding to the same description has been given to any one.

7. Every person who worked at printing, counting, binding, packing or delivering ballot papers shall also give the returning officer an affidavit to the effect that he or she has not furnished ballot papers corresponding to the same description to any person other than the returning officer.

DIVISION IV

FINAL

8. This Regulation replaces the Ballot Papers (Paper Manufacturer and Printer) Regulation approved by the Committee on the National Assembly on March 26th, 1985 (*G.O.* 2, April 3rd 1985, 1298).

9. This Regulation comes into force on April 24th, 1989. *

D. 1989-03-23, 1989, G.O. 2, April 5th 1989, 1576.
D. 2000-12-20, 2001, G.O. 2, February 14th 2001, 1183.

* The Ballot Papers (Paper Manufacturer and Printer) Regulation has been modified by Committee on the National Assembly on December 20, 2000, and has come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

ELECTOR IDENTIFICATION REGULATION

Election Act
(R.S.Q., c. E-3.3, ss. 337, 2nd par. and 549, par. 4)

1. An elector may produce either of the following documents as identification under the second paragraph of section 337 of the Election Act:

(1) a Certificate of Indian Status issued to persons registered in the Indian Register under the Indian Act (R.S.C. 1985, c. I-5); or

(2) a Canadian Armed Forces identification card issued under Order CFAO 26-3 of the Department of National Defence.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

O.C. 242-2005, 2005, G.O. 2, April 6, 2005, 780.

ENUMERATOR'S BADGE REGULATION

Election Act
(R.S.Q., c. E-3.3, ss. 40.20 and 550)

DIVISION I
GENERAL

1. The Interpretation Act (R.S.Q., c. I-16), as amended from time to time, applies to this Regulation.

DIVISION II
ENUMERATOR'S BADGE

2. Each enumerator shall, when enumerating, wear in a conspicuous fashion a circular plastic-covered metal badge 8 cm. in diameter with a pin on the back.

3. The enumerator's badge shall include the following particulars:

(a) identification of the Chief Electoral Officer;

(b) the enumerator's name and title;

(c) the badge number.

Each badge shall have a different number.

4. Enumerators shall return their badges to the returning officer when they have completed their duties.

DIVISION III
FINAL

5. This Regulation replaces the Enumerator's Badge Regulation approved by the Committee on the National Assembly on March 26th, 1985 (*G.O.* 2, April 3rd 1985, 1283).

6. This Regulation comes into force on April 24th, 1989. *

D. 1989-03-23, 1989, G.O. 2, April 5th, 1580;
D. 2000-12-20, 2001, G.O. 2, February 14th 2001, 1184.

* The Enumerator's Badge Regulation has been modified by Committee on the National Assembly on December 20, 2000, and has come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

ENUMERATORS, REVISORS AND REVISING OFFICERS (RIGHT TO RECOMMEND) REGULATION

Election Act
(R.S.Q., c. E-3.3, ss. 40.16, 185, 190 and 550)

DIVISION I

GENERAL

1. The Interpretation Act (R.S.Q., c. I-16), as amended from time to time, applies to this Regulation.

DIVISION II

NEW OR CHANGED ELECTORAL DIVISION

2. In a new electoral division or in an electoral division whose boundaries have been changed since the last election, the Chief Electoral Officer shall reapportion the results of the last election to the electoral precincts and polling subdivisions included in the new electoral division by calculating the number of valid votes attributed to the candidates of authorized parties and to independent Members elected as such.

The first enumerator shall be recommended by the authorized party or by the independent Member elected as such having the greatest number of votes after a reapportionment made under the first paragraph.

The second enumerator shall be recommended by the authorized party or by the independent Member elected as such having the second greatest number of votes after reapportionment.

3. If the independent candidate who would have been entitled to recommend the first enumerator according to the criteria in section 2 has not filed his nomination papers on the date nomination must be made, the first enumerator shall be recommended by the party that would have been entitled to recommend the second enumerator.

The second enumerator shall then be recommended by the authorized party that came next in order after reapportionment.

4. If the independent candidate who would have been entitled to recommend the second enumerator according to the criteria in section 2 has not filed his nomination papers on the date nomination must be made, the second enumerator shall be recommended by the authorized party that came next in order after reapportionment.

DIVISION III

ELECTORAL DIVISION WHERE NO AUTHORIZED PARTY CAME SECOND

5. In an electoral division where no authorized party came second in the last election, the first enumerator shall be recommended by the authorized party that came first in the last election or by the independent Member elected as such.

The second enumerator shall be recommended by the authorized party that came next in order in the preceding election.

6. If the independent candidate who would have been entitled to recommend the first enumerator according to the criteria in section 5 has not filed his nomination papers on the date nominations must be made, the first enumerator shall be recommended by the party that would have been entitled to recommend the second enumerator.

The second enumerator shall then be recommended by the authorized party that came next in order in the preceding election.

DIVISION IV

SPECIAL CRITERIA

7. For the purposes of Divisions II and III:

(a) if the results of a reapportionment or of the preceding election do not point to any authorized party as entitled to make a recommendation, the recommendation shall be made by one of the following parties, in the order indicated, provided that the party has not already been entitled to recommend the first or the second enumerator, as the case may be:

i. the authorized party forming the Government;

ii. the authorized party forming the Official Opposition;

iii. an authorized party represented in the National Assembly, beginning with the party having the most Members;

iv. an authorized party not represented in the National Assembly;

(b) in the case of a tie, the returning officer shall draw lots in the presence of representatives of the parties or, failing them, two electors. The same procedure will be followed in the case of competition between parties covered by subparagraph *iv* of paragraph *a*.

DIVISION V

REVISORS AND REVISING OFFICERS

8. Divisions II, III and IV apply *mutatis mutandis* to identifying the parties entitled to recommend revisors and revising officers.

DIVISION VI

FINAL

9. This Regulation replaces the Enumerators, Revisors and Investigating Assistants (Right to Recommend) Regulation approved by the Committee on the National Assembly on March 26th, 1985 (*G.O.* 2, April 3rd 1985, 1303).

10. This Regulation comes into force on April 24th, 1989. *

D. 1989-03-23, 1989, G.O. 2, April 5th, 1578.
D. 2000-12-20, 2001, G.O. 2, February 14th 2001, 1185.

* The Enumerators, Revisors and Assistants to the Board of Revisors (Right to Recommend) Regulation has been modified by Committee on the National Assembly on December 20, 2000, and has come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

NOMINATION REGULATION

Election Act
(R.S.Q., c. E-3.3, ss. 239, 241 and 550)

DIVISION I
GENERAL

1. The Interpretation Act (R.S.Q., c. I-16), as amended from time to time, applies to this Regulation.

DIVISION II
NOMINATION PAPERS

2. A person offering to stand as candidate shall file nomination papers in accordance with Form 42 attached hereto.

3. A person offering to stand as candidate may attach to his nomination papers his Canadian citizenship certificate, Canadian passport, driver's licence or probationary licence issued in plastic form by the Société de l'assurance automobile du Québec, health insurance card issued by the Régie de l'assurance maladie du Québec or a copy of the order changing his name, instead of his birth certificate.

4. After examining the identification, the returning officer may give it back to the person offering to stand as candidate on condition he provides the returning officer with a true copy.

5. A person offering to stand as candidate under his ordinary given name and surname, not being those appearing on his birth certificate, must attach to his nomination papers an affidavit to the effect that the ordinary names claimed are those under which he is commonly known in political, professional and social life.

6. The photograph attached to the nomination papers must show a full face view of the candidate from the shoulders, bareheaded, against a plain light background and be printed on single-thickness paper measuring approximately 13 cm by 18 cm.

DIVISION III
FINAL

7. This Regulation replaces the Nomination Regulation approved by the Committee on the National Assembly on March 26th, 1985 (*G.O.* 2, April 3rd 1985, 1288).

8. This Regulation comes into force on April 24th, 1989. *

* The Nomination Regulation has been modified by Committee on the National Assembly on December 20, 2000 and on March 31, 2004, and has come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

LE DIRECTEUR GÉNÉRAL
DES ÉLECTIONS DU QUÉBEC

DGE-42-VA (04-01)
Election Act
(L.R.Q., c. E-3.3, s. 239)

Nomination paper

Version française disponible sur demande

Identification of candidate

* Given name

* Surname

IMPORTANT
The opposite given name and surname will be entered on the ballot paper

☐ Where aplicable, I have appended an affidavit to the effect that my ordinary name and surname are those under which I am commonly known in political, professional and social life

* Date of birth
Year Month Day

* Occupation

* Address
Number Street Municipality Postal code

Optional
Home phone no. Office phone no. E-mail

Status

* Membership of an authorized party

(Name of the party as authorized)

☐ I am appending hereto a letter from the leader of the authorized party who recognizes me as being a candidate of that party

OR

* Wish that the particular "Independant" appear on the ballot paper

☐ Yes in
- ☐ French
- ☐ English
- ☐ French/English
- ☐ English/French

☐ No

Official agent

* Given name

* Surname

* Address
Number Street Municipality Postal code

Optional
Home phone no. Office phone no. E-mail

* Signature of the official agent

* Mandatory information

Identification of the mandataries

* **Given name** |_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|

* **Surname** |_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|

* **Address** _____ |_|_|_|_|_|_|
Number Street Municipality Postal code

Optional |_|_|_|_|_|_|_|_|_|_| |_|_|_|_|_|_|_|_|_|_| _____
Home phone no Office phone no E-mail

* **Signature and initials of the mandatary :** _____ _____

* **Given name** |_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|

* **Surname** |_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|

* **Address** _____ |_|_|_|_|_|_|
Number Street Municipality Postal code

Optional |_|_|_|_|_|_|_|_|_|_| |_|_|_|_|_|_|_|_|_|_| _____
Home phone no Office phone no E-mail

* **Signature and initials of the mandatary :** _____ _____

* **Given name** |_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|

* **Surname** |_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|

* **Address** _____ |_|_|_|_|_|_|
Number Street Municipality Postal code

Optional |_|_|_|_|_|_|_|_|_|_| |_|_|_|_|_|_|_|_|_|_| _____
Home phone no Office phone no E-mail

* **Signature and initials of the mandatary :** _____ _____

* **Given name** |_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|

* **Surname** |_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|

* **Address** _____ |_|_|_|_|_|_|
Number Street Municipality Postal code

Optional |_|_|_|_|_|_|_|_|_|_| |_|_|_|_|_|_|_|_|_|_| _____
Home phone no Office phone no E-mail

* **Signature and initials of the mandatary :** _____ _____

* Mandatory information

Déclaration of the candidate

* **I have appended hereto**

☐ my birth certificate

OR one of the following identification documents

☐ my Québec health-insurance card
☐ my Certificate of Canadian citizenship
☐ my Québec driver's licence
☐ my Canadian passport
☐ a copy of the Order changing my name

AND

☐ a photograph showing a full face view of me from the shoulders, bareheaded, against a plain light background and printed on single thickness paper measuring approximately 13 cm X 13 cm, in accordance with section 6 of the Nomination Regulation, and signed on the back by 2 electors from the electoral division who know me and attest to my identity.

* I, _____, **submit my candidacy**

in the electoral division of _____,

and state that : 1. **I am a qualified elector within the meaning of section 1 of the Election Act;**

2. **I have not been disqualified within the meaning of section 235 of the Election Act.**

In witness whereof, I have signed

at _____ on _____ 20 _____.

_____
Candidate's signature

* Mandatory information

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____,
hereby support the candidacy of:

Given name	Surname

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions

According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.

Penalties (s. 552(2)(3) of the Election Act). Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :

1° A fine of $100 to $1 000 for a first offence;

2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	1						
	2						
	3						
	4						
	5						
	6						
	7						
	8						
	9						
	10						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name	Surname

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions

According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.

Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :

1° A fine of $100 to $1 000 for a first offence;

2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	11						
	12						
	13						
	14						
	15						
	16						
	17						
	18						
	19						
	20						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name	Surname

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions

According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.

Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to:

1° A fine of $100 to $1 000 for a first offence;

2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	21						
	22						
	23						
	24						
	25						
	26						
	27						
	28						
	29						
	30						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name _____ Surname _____

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions

According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.

Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :

1° A fine of $100 to $1 000 for a first offence;

2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	31						
	32						
	33						
	34						
	35						
	36						
	37						
	38						
	39						
	40						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name	Surname

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions

According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.

Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :

1° A fine of $100 to $1 000 for a first offence;

2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	41						
	42						
	43						
	44						
	45						
	46						
	47						
	48						
	49						
	50						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

|_|_|_

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name _____ Surname _____

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions

According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.

Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :

1° A fine of $100 to $1 000 for a first offence;

2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	61						
	62						
	63						
	64						
	65						
	66						
	67						
	68						
	69						
	70						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name _____ Surname _____

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions

According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.

Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :

1° A fine of $100 to $1 000 for a first offence;

2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	71						
	72						
	73						
	74						
	75						
	76						
	77						
	78						
	79						
	80						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name	Surname

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions

According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division

Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :

1° A fine of $100 to $1 000 for a first offence;

2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	81						
	82						
	83						
	84						
	85						
	86						
	87						
	88						
	89						
	90						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name	Surname

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions
According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.
Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :
1° A fine of $100 to $1 000 for a first offence;
2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	91						
	92						
	93						
	94						
	95						
	96						
	97						
	98						
	99						
	100						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name	Surname

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions

According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.

Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :

1° A fine of $100 to $1 000 for a first offence;

2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	101						
	102						
	103						
	104						
	105						
	106						
	107						
	108						
	109						
	110						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____,
hereby support the candidacy of:

Given name	Surname

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions
According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.
Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :
1° A fine of $100 to $1 000 for a first offence;
2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	111						
	112						
	113						
	114						
	115						
	116						
	117						
	118						
	119						
	120						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name	Surname

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions

According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.

Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :

1° A fine of $100 to $1 000 for a first offence;

2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	121						
	122						
	123						
	124						
	125						
	126						
	127						
	128						
	129						
	130						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name	Surname

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions
According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.
Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :
1° A fine of $100 to $1 000 for a first offence;
2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	131						
	132						
	133						
	134						
	135						
	136						
	137						
	138						
	139						
	140						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name _____ Surname _____

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions

According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.

Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :

1° A fine of $100 to $1 000 for a first offence;

2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	141						
	142						
	143						
	144						
	145						
	146						
	147						
	148						
	149						
	150						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name	Surname

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions
According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.
Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :
1° A fine of $100 to $1 000 for a first offence;
2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	151						
	152						
	153						
	154						
	155						
	156						
	157						
	158						
	159						
	160						

Supporting signatures

We, the undersigned, electors entered on the list of electors of the electoral division of _____, hereby support the candidacy of:

Given name	Surname

for the election of a Member of the National Assembly for said electoral division.

The elector who supports a nomination paper must be entered on the list of electors for the electoral division for which the signature is collected.

Legal provisions
According to section 245 of the Election Act, the returning officer shall verify if the persons supporting the candidacy are indeed entered on the list of electors for the electoral division.
Penalties (s. 552(2)(3) of the Election Act) Every person who supports a nomination paper, when he is not an elector whose name is entered on the list of electors for the electoral division for which the nomination paper is filed and every person who uses the signature of others as support on a nomination paper is liable to :
1° A fine of $100 to $1 000 for a first offence;
2° A fine of $200 to $2 000 for every subsequent offence within five years.

WRITE LEGIBLY AND IN BLOCK LETTERS YOUR SURNAME, GIVEN NAME AND ADDRESS AS THEY ARE ENTERED ON THE LIST OF ELECTORS

Space reserved for Vérification	No.	Surname (at birth)	Given name	Address (of domicile)	Municipality	Signature	Initials of the person who collects the signatures
	161						
	162						
	163						
	164						
	165						
	166						
	167						
	168						
	169						
	170						

Oath of the person who collects the supporting signatures

Candidate

I, _____
Given name

_____
Surname

state under oath that the _____ persons whose names appear opposite my initials on the nomination paper affixed their signature in my presence, that I know them and that to my knowledge they are electors of the electoral division.

_____
Signature of the candidate

Stated under oath before me, at _____.

on _____ 20 _____. _____
Signature of the returning officer

Mandatary

I, _____
Given name

_____
Surname

state under oath that the _____ persons whose names appear opposite my initials on the nomination paper affixed their signature in my presence, that I know them and that to my knowledge they are electors of the electoral division.

_____
Signature of the mandatary

Stated under oath before me, at _____.

on _____ 20 _____. _____
Signature of the returning officer

Mandatary

I, _____
Given name

_____
Surname

state under oath that the _____ persons whose names appear opposite my initials on the nomination paper affixed their signature in my presence, that I know them and that to my knowledge they are electors of the electoral division.

_____
Signature of the mandatary

Stated under oath before me, at _____.

on _____ 20 _____. _____
Signature of the returning officer

Mandatary

I, _____
Given name

_____
Surname

state under oath that the _____ persons whose names appear opposite my initials on the nomination paper affixed their signature in my presence, that I know them and that to my knowledge they are electors of the electoral division.

_____
Signature of the mandatary

Stated under oath before me, at _____.

on _____ 20 _____. _____
Signature of the returning officer

Mandatary

I, _____
Given name

_____
Surname

state under oath that the _____ persons whose names appear opposite my initials on the nomination paper affixed their signature in my presence, that I know them and that to my knowledge they are electors of the electoral division.

_____
Signature of the mandatary

Stated under oath before me, at _____.

on _____ 20 _____. _____
Signature of the returning officer

Receipt

I, _____, returning officer, have received this nomination paper. All of the required documents are appended hereto. Subject to the verification of the entry on the list of electors of the electors supporting this nomination paper, in all appearances it meets the requirements of the Election Act.

On _____ 20 _____.

_____
Signature of the returning officer

Notice of conformity

I certify that at least one hundred electors supporting this nomination paper are indeed entered on the list of electors for the electoral division and that this nomination paper meets the requirements of the Election Act.

On _____ 20 _____, at _____ o'clock.

_____
Signature of the returning officer

D. 1989-03-23, 1989, G.O. 2, April 5th 1989, 1569;
D. 2000-12-20, 2001, G.O. 2, February 14th 2001, 1187
D. 2004-03-31, 2004, G.O. 2, April 21st 2004, 1287.

RECOUNT (COSTS) REGULATION

Election Act
(R.S.Q., c. E-3.2, ss. 310 and 482)

DIVISION I
GENERAL

1. The words "application", "case" or "action" mean a proceeding, whether it is instituted by a writ, petition, joint factum, or any other mode of commencement.

2. The word "trial" means the examination of a party or witness as well as the submission before the court of any document bearing admission of facts, followed by an address and an examination of the ballot papers and other documents contained in the ballot box.

3. The word "contest" includes any objection to an application made by another party.

4. The costs of exhibits, copies of plans, deeds or other documents, as well as the cost of expert's reports filed are to be included in the bill of costs, unless the judge orders otherwise.

5. If several interlocutory applications can be made in the same proceeding, one single fee is payable for whatever number of proceedings.

6. In a major case the Court may, on application or of its own motion, award a special fee, in addition to all other fees.

7. Where the election results remain unchanged, the costs of the candidate who received the greatest number of votes will be awarded against the petitioner.

8. Where the application is made by the candidate who came second, or his agent, and where the majority is not over one thousandth of the votes cast, no costs may be awarded against the petitioner.

9. Costs are recoverable in the same manner as costs awarded in ordinary cases before the Court of Québec.

DIVISION II

LEGAL COSTS

10. For every petition filed but settled before the judgment on its merits:

(a) to the petitioner's attorney ..... *125 $*

(b) to the respondent's attorney ..... 75 $

(c) to each candidate's attorney ..... 75 $.

11. For uncontested judgment on the merits after trial:

(a) to the petitioner's attorney ..... 175 $

(b) to the respondent's attorney and to each candidate's attorney:

i. if he is not present at the trial ..... 50 $

ii. if he is present at the trial ..... 100 $.

12. For judgment on the fond of the case in a contested petition ..... 350 $.

13. (1) On every contested interlocutory proceeding ..... 50 $

(2) Where the interlocutory proceeding puts an end to the dispute ..... 140 $.

14. (1) Where a case lasts more than one day, for each additional half day ..... 50 $

(2) In case of refusal to proceed by the court stated in the presence of the parties, on the day fixed for the hearing ..... 50 $.

15. For attendance at a recount:

(a) to the returning officer for each half day ..... 50 $

(b) to the election clerk for each half day ..... 25 $.

16. In the case of any pre-trial conference under article 279 of the Code of Civil Procedure (R.S.Q., c. C-25) and prior to the day fixed for trial and hearing ..... 30 $.

DIVISION III

FINAL

17. This Regulation replaces the Regulation respecting the tariff of costs for a recount (R.R.Q., 1981, c. E-3.1, r. 10).

18. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

D. 644-85, 1985, G.O. 2, April 3rd 1985, 1279 and
D. 2017-85, 1985, G.O. 2, October 9th 1985, 3950.

REGULATION RESPECTING THE AUTHENTICITY OF DOCUMENTS ISSUED BY THE CHIEF ELECTORAL OFFICER AND THE DELEGATION OF SIGNING AUTHORITY

Election Act
(R.S.Q., c. E-3.3, ss. 500, 501 and 550)

DIVISION I
GENERAL

1. The Interpretation Act (R.S.Q., c. I-16), as amended from time to time, applies to this Regulation.

2. The definitions in the Regulation respecting contracts of the Chief Electoral Officer, approved by the Office of the National Assembly by Decision 1155-1 dated 15 July 2003 (2003, G.O. 2, 2271), apply to this Regulation.

DIVISION II
AUTHENTICITY OF DOCUMENTS

3. The member of the executive committee designated in writing by the Chief Electoral Officer is authorized to certify as true and authenticate any document issued by the Chief Electoral Officer or by his personnel with the same effect as if it had been signed by the Chief Electoral Officer.

DIVISION III
DELEGATION OF SIGNING AUTHORITY

4. The members of the personnel of the Chief Electoral Officer who, on a permanent or interim basis, hold the positions referred to in this Regulation are authorized to sign, in lieu of the Chief Electoral Officer and with the same effect, the deeds, documents or writings listed after their respective positions, within the monetary limit established in the financial management plan approved by the Chief Electoral Officer.

5. In the absence of the Chief Electoral Officer, the member of the senior management personnel designated in writing by the Chief Electoral Officer is authorized to sign, in lieu of the Chief Electoral Officer and with the same effect, any deed, document or writing respecting day-to-day administration.

6. Senior management personnel are authorized, with respect to the sectors of activity under their responsibility, to sign documents relating to election activities, supply contracts, service contracts with individuals and contracts for services, except insurance contracts, construction contracts and contracts relating to the hiring of temporary staff.

Members of the senior management personnel designated in writing by the Chief Electoral Officer are authorized to sign construction contracts and contracts relating to the hiring of temporary staff.

7. The heads or supervisors of services or divisions are authorized, with respect to the sectors of activity under their responsibility, to sign supply contracts and contracts for services, except contracts for legal services, insurance contracts, construction contracts and contracts relating to the hiring of temporary staff.

8. The person designated in writing is authorized to sign contracts for the disposition of surplus movable property.

8.1. Returning officers are authorized, with respect to the activities under their responsibility in the performance of their duties, to sign supply contracts, contracts for the lease of immovables, contracts relating to the hiring of electoral officers and contracts for services, except contrats for legal services, insurance contracts, building contracts, except contracts for building access ramps and contracts relating to the hiring of temporary staff.

DIVISION IV

FINAL

9. This Regulation replaces the Chief Electoral Officer (Signatures) Regulation, approved by the Committee on the National Assembly on 23 March 1989 (5 April 1989, G.O. 2, 1565).

10. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

D. 2000-12-20, 2001, G.O. 2, February 14th 2001, 1182;
D. 2001-06-15, 2001, G.O. 2, July 11th 2001, 3537;
D. 2004-03-31, 2004, G.O. 2, April 21st 2004, 1284.

REGULATION RESPECTING THE CONDITIONS OF EXERCISE OF THE DUTIES OF RETURNING OFFICER

Election Act
(R.S.Q., c. E-3.3, ss. 507 and 550)

1. A public office holder may not apply for a competition for appointment as a returning officer for two years following the date on which the public office holder's term ends.

The prohibition applies only if the person held the office of

(1) Member of the Parliament of Canada;

(2) Member of the National Assembly;

(3) member of the council of a municipality;

(4) warden of a regional county municipality elected in accordance with section 210.29.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9); or

(5) member of a school board.

2. A returning officer must

(1) be a qualified elector at all times;

(2) be domiciled at all times in the electoral division of appointment or in an adjoining electoral division insofar as the returning officer is capable of satisfactorily exercising his or her duties as if so domiciled;

(3) not be a member of any political party or engage in any partisan work at the federal, provincial, municipal or school board level or hold an elective position at such a level;

(4) be upright and impartial;

(5) have relevant knowledge of the Election Act (R.S.Q., c. E-3.3) and the Referendum Act (R.S.Q., c. C-64.1);

(6) have relevant knowledge of the electoral division for which the returning officer has been appointed;

(7) not exercise identical duties at the federal level;

(8) have knowledge of the French language;

(9) have knowledge of the English language where the number of English-speaking electors so warrants;

(10) abide in all respects by the oath of office made;

(11) cooperate with the chief electoral officer in examining, assessing and trying new voting procedures;

(12) comply with the directives of the chief electoral officer; and

(13) make space available at the returning officer's domicile for the material and equipment required to exercise his or her duties, according to the conditions determined by the chief electoral officer.

3. A returning officer must also have the following professional skills:

(1) the ability to manage the human, financial and material resources available to the returning officer to achieve the expected results at each stage of the election proceedings;

(2) the ability to ensure the follow-up of the activities ensuing from the election calendar and to monitor achievement of the results determined by the chief electoral officer;

(3) the ability to make decisions, resolve disputes in accordance with the Election Act, election regulations and the directives of the chief electoral officer within very short periods;

(4) the ability to create and maintain a climate of confidence in dealings with the electors, candidates and other intervenors during and outside the electoral events;

(5) the ability to perform quality work within the deadlines fixed by the election calendar;

(6) the ability to use the computer systems and data produced and to have them used; and

(7) the ability to pass on knowledge acquired to other adults.

4. A returning officer must be available as required for

(1) the holding of a general election, by-election or referendum; and

(2) any other assignment that may be required by the chief electoral officer including delimiting polling subdivisions, carrying out preparatory activities for an event referred to in paragraph 1 and training activities, for the period determined by the chief electoral officer.

5. A returning officer who agrees to exercise similar duties at the municipal, school board or other level must first obtain authorization from the chief electoral officer and undertake in writing to be available at all times, immediately and without prior notice, when so required by the chief electoral officer.

6. During an event referred to in section 4, a returning officer must be readily accessible to the chief electoral officer and the members of the executive committee.

In addition, the chief electoral officer may require that a returning officer be present at his or her office at any time during an event referred to in that section.

7. Paragraph 3 of section 2 applies to a returning officer who is a member of the council of a municipality or school board before 6 May 2004 only as of the end of the returning officer's term as a member of the council.

8. This Regulation replaces the Returning Officer (Qualifications) Regulation approved by the Committee on the National Assembly on 23 March 1989 (G.O. 2, 5 April 1989, 1569).

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

D. 2004-03-31, 2004, G.O., April 21st 2004, 1284.

REGULATION RESPECTING THE DETERMINATION OF THE CANDIDATES ENTITLED TO RECOMMEND CERTAIN ELECTION OFFICERS

Election Act
(R.S.Q., c. E-3.3, ss. 311, 312.1 and 550)

DIVISION I
GENERAL

1. The Interpretation Act (R.S.Q., c. I-16), as amended from time to time, applies to this Regulation.

DIVISION II
NEW OR CHANGED ELECTORAL DIVISION

2. In a new electoral division or an electoral division whose boundaries have been changed since the last election, the Chief Electoral Officer shall reapportion the results of the last election to the electoral precincts and polling subdivisions included in the new electoral division by calculating the number of valid votes attributed to the candidates of authorized parties and to independent Members elected as such.

A deputy returning officer shall be recommended by the candidate of an authorized party or by the independent Member elected as such who received the greatest number of votes after a reapportionment made under the first paragraph.

A poll clerk shall be recommended by the candidate of an authorized party or by the independent Member elected as such who received the second greatest number of votes after reapportionment.

3. If the independent candidate who would have been entitled to recommend the deputy returning officer according to the criteria in section 2 is not a candidate or if the party whose candidate would have been entitled to make such a recommendation does not put up a candidate, the deputy returning officer shall be recommended by the candidate who would have been entitled to recommend the poll clerk.

The poll clerk shall then be recommended by the candidate of the authorized party that came next in order after reapportionment.

4. If the independent candidate who would have been entitled to recommend the poll clerk according to the criteria in section 2 is not a candidate or if the party whose candidate would have been entitled to make such a recommendation does not put up a candidate, the poll clerk shall be recommended by the candidate of the authorized party that came next in order after reapportionment.

5. If the independent candidate who would have been entitled to recommend the deputy returning officer according to the criteria in section 2 is not a candidate or if the party whose candidate would have been entitled to make such a recommendation does not put up a candidate, and if the party whose candidate would have been entitled to recommend the poll clerk under this section does not put up a candidate, the deputy returning officer and the poll clerk shall be recommended by the candidates of the authorized parties that came next in order after reapportionment.

DIVISION III

ELECTORAL DIVISION WHERE NO CANDIDATE OF AN AUTHORIZED PARTY CAME SECOND

6. In an electoral division where no candidate of an authorized party came second in the last election, the deputy returning officer shall be recommended by the candidate of the authorized party whose candidate came first in the last election or by the independent Member elected as such if he runs for re-election.

The poll clerk shall be recommended by the candidate of the authorized party whose candidate came next in order in the preceding election.

7. If the independent candidate who would have been entitled to recommend the deputy returning officer according to the criteria in section 6 is not a candidate or if the party whose candidate would have been entitled to make such a recommendation does not put up a candidate, the deputy returning officer shall be recommended by the candidate who would have been entitled to recommend the poll clerk.

The poll clerk shall then be recommended by the candidate of the authorized party whose candidate came next in order in the preceding election.

8. If the party whose candidate would have been entitled to recommend the poll clerk according to the criteria in section 6 does not put up a candidate, the poll clerk shall be recommended by the candidate of the authorized party whose candidate came next in order in the preceding election.

9. If the independent candidate who would have been entitled to recommend the deputy returning officer according to the criteria in section 6 is not a candidate or if the party whose candidate would have been entitled to make such a recommendation does not put up a candidate, and if the party whose candidate would have been entitled to recommend the poll clerk under this section does not put up a candidate, the deputy returning officer and the poll clerk shall be recommended by the candidates of the authorized parties whose candidates came next in order respectively in the preceding election.

DIVISION IV

SPECIAL CRITERIA

10. For the purposes of Divisions II and III:

(a) if the results of a reapportionment or of the preceding election do not point to any candidate of an authorized party as entitled to make a recommendation, the recommendation shall be made by one of the following candidates, in the order indicated, provided that the candidate has not already been entitled to recommend a deputy returning officer or a poll clerk, as the case may be:

i. the candidate of the authorized party forming the Government;

ii. the candidate of the authorized party forming the Official Opposition;

iii. the candidate of an authorized party represented in the National Assembly, beginning with the candidate whose party has the most Members;

iv. the candidate of an authorized party not represented in the National Assembly;

v. an independent candidate;

(b) in the case of a tie, the returning officer shall draw lots in the presence of the candidates or their representatives or, failing them, two electors. The same procedure will be followed in the case competition between candidates covered by subparagraphs *iv* or *v* of paragraph *a*.

DIVISION IV.1

IDENTITY VERIFICATION PANEL MEMBERS

10.1 Divisions II, III and IV apply *mutatis mutandis* to the determination of the candidates entitled to recommend identity verification panel member appointments.

DIVISION IV.2

OFFICERS ASSIGNED TO THE LIST OF ELECTORS

10.2. Divisions II, III and IV apply *mutatis mutandis* to the determination of the candidates entitled to recommend officers assigned to the list of electors."

DIVISION V

FINAL

11. This Regulation replaces the Deputy Returning Officers and Poll Clerks (Right to Recommend) Regulation approved by the Committee on the National Assembly on March 26th, 1985 (*G.O.* 2, April 3rd 1985, 1301).

12. This Regulation comes into force on April 24th, 1989. *

D. 1989-03-23, 1989, G.O. 2, April 5th 1989, 1577;
D. 2000-12-20, 2001, G.O. 2, February 14th 2001, 1184;
D. 2001-06-15, 2001, G.O. 2, July 11th 2001, 3562;
D. 2004-03-31, 2004, G.O. 2, April 21st 2004, 1286.

* The Deputy Returning Officers and Poll Clerks (Right to Recommend) Regulation has been modified by Committee on the National Assembly on December 20, 2000, on June 15, 2001 and on March 31, 2004, and has come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

REGULATION RESPECTING THE NOTICE OF A NEW ELECTION FOLLOWING THE DEATH OF A CANDIDATE

Election Act
(R.S.Q., c. E-3.3, ss. 259 and 550)

DIVISION I
GENERAL

1. The Interpretation Act, (R.S.Q., c. I-16), as amended from time to time, applies to this Regulation.

DIVISION II
NOTICE OF A NEW ELECTION

2. As soon as he learns of the death of a candidate, the returning officer shall so advise the Chief Electoral Officer.

3. Polling day is postponed where a candidate dies between the twenty-first day before the date of the poll and its closing. In such a case, the returning officer shall publish a notice at once in a newspaper distributed in the electoral division informing voters of the new period for the filing of nomination papers and of the new polling date, in accordance with Form 41 attached hereto.

4. The returning officer shall post a copy of the notice in his main office. He shall also forward a copy to each person who had stood as candidate in that electoral division.

DIVISION III
FINAL

5. This Regulation replaces the New Election Notice Following a Candidate's Death Regulation, approved by the Committee on the National Assembly on March 26th, 1985 (*G.O.* 2, April 3rd 1985, 1284).

6. This Regulation comes into force on April 24th, 1989. *

* The New Election Notice Following a Candidate's Death Regulation has been modified by Committee on the National Assembly on December 20, 2000, and has come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

FORM 41

Election Act
(R.S.Q., c. E-3.3, s. 259)

NOTICE OF A NEW ELECTION FOLLOWING THE DEATH OF A CANDIDATE

Electoral Division:

Following the death of candidate _____,
on the _____ day of _____, 20_____, the poll which was to have taken place on the _____ day of _____, 20_____, in the said electoral division is postponed. Consequently, a new election shall be held.

THEREFORE, notice is hereby given to the electors in the electoral division of _____ _____ that:

1. a new period for filing nomination papers is open and any person wishing to stand as a candidate at the election must file a duly completed nomination paper with my office no later than 2:00 p.m. on the second Monday following the death of the candidate, namely, Monday, the _____ day of _____, 20_____; and

2. if necessary, polling will take place on the second Monday that follows, namely, Monday, the _____ day of _____, 20 _____,
from _____ a.m. to _____ p.m.

Signed, at _____,

this _____ day of _____, 20 _____.

_____
Returning officer

D. 1989-03-23, 1989, G.O. 2, April 5th 1989, 1567;
D. 2000-12-20, 2001, G.O. 2, February 14th 2001, 1185.

REGULATION RESPECTING THE TARIFF OF REMUNERATION AND EXPENSES OF ELECTION OFFICERS

Election Act

(R.S.Q., c. E-3.3, ss. 137 and 549, par. 1; 2001, c. 2, ss. 13 and 54)

DIVISION I

SCOPE

1. This Regulation applies to all the services provided by an election officer within the meaning of section 136 of the Election Act (R.S.Q., c. E-3.3) who performs a function listed in section 2.

DIVISION II

REMUNERATION

2. The remuneration to which election officers are entitled is indicated after their respective functions:

(1) Returning officer:
Substitute returning officer

Hourly remuneration equivalent to the hourly remuneration of an administration specialist at the maximum pay scale level, based on public service classification and norms. The remuneration is increased by a 5% team leader premium while the returning officer's main office is open;

(2) Assistant returning officer:

Hourly remuneration equivalent to the hourly remuneration of an administration technician, senior class, maximum pay scale level, based on public service classification and norms;

(3) Level 1 assistant to the assistant returning officer :

Hourly remuneration equivalent to the hourly remuneration of an administration technician, entry class grade 10, based on public service classification and norms;

(4) Level 2 assistant to the assistant returning officer :

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 7, based on public service classification and norms;

(5) Level 1 aide to the returning officer :

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 7, based on public service classification and norms;

(6) Level 2 aide to the returning officer :

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 2, based on public service classification and norms;

(7) Level 3 aide to the returning officer :

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 1, based on public service classification and norms;

(8) Enumerator :

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 1, based on public service classification and norms;

(9) Revisor on a board of revisors:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 3, based on public service classification and norms;

(10) Secretary of a board of revisors:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 2, based on public service classification and norms;

(11) Revising officer:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 1, based on public service classification and norms;

(12) Deputy returning officer:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 1, based on public service classification and norms;

(13) Poll clerk:

Hourly remuneration equivalent to 90% of the hourly remuneration of the deputy returning officer;

(14) Officer assigned to the list of electors;

Hourly remuneration equivalent to 90% of the hourly remuneration of the poll clerk;

(15) Officer in charge of information and order:

Hourly remuneration equivalent to the hourly remuneration of an office clerk, entry class grade 2, based on public service classification and norms;

(16) Aide to the officer in charge of information and order:

Hourly remuneration equivalent to 85% of the hourly remuneration of the officer in charge of information and order;

(17) Chair and members of the identity verification panel:

Hourly remuneration equivalent to 90% of the hourly remuneration of the poll clerk.

The remuneration provided for in the first paragraph may not be increased retroactively by reason of a provision in a law or a clause in a collective agreement that applies to public service personnel.

3. Election officers who perform more than one of the functions listed in section 2 are entitled only to the highest remuneration of the functions.

DIVISION III

EXPENSES

4. Hourly remuneration corresponding to the hourly remuneration of the position they hold is paid to election officers when they attend a training meeting convened by the returning officer or under the returning officer's authority.

That remuneration is not paid if an election officer fails to attend on the days provided for by the Act for the carrying out of the duties.

5. Hourly remuneration corresponding to the hourly remuneration of the position held is paid to election officers authorized to return the ballot boxes for the advance polling and polling day.

6. Hourly remuneration corresponding to the hourly remuneration of the position held is paid to election officers authorized for the counting of the votes of the advance polling and the voting by mail for electors outside Québec and inmates.

7. Returning officers and assistant returning officers who must travel to perform their duties are entitled to be reimbursed for their travel expenses in accordance with the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents in force, on presentation of the vouchers required under the directive.

Other election officers who must travel to perform their duties are entitled to be reimbursed for their expenses for the distance in kilometres at the rate in force in the Directive sur les frais remboursables lors d'un déplacement at autres frais inhérents, on presentation of the vouchers required under the directive. Travel expenses paid by election officers to go to and return from work, and meal expenses, are not reimbursed.

DIVISION IV

INCREASE IN THE TARIFF

8. The chief electoral officer may, during an election period, increase the amounts set by this Regulation. The additional expenses resulting from the increase may not exceed $2,000,000.

DIVISION V

FINAL

9. This Regulation replaces the Regulation respecting the tariff of remuneration and expenses of election officers made by Order in Council 499-2001 dated 2 May 2001.

10. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

D. 771-2006, 2006, G.O. 2, August 30th 2006, 2992.

REGULATION RESPECTING THE TARIFF OF REMUNERATION AND EXPENSES OF PERMANENT BOARD MEMBERS

Election Act
(R.S.Q., c. E-3.3, ss. 40.12.6, 40.12.18 et 549, par. 1°; 1999, c. 15)

1. This regulation applies to all of the services provided by a person who is a member of the permanent board of revisors established under section 40.12.1 of the Election Act decreed by section 3 of Chapter 15 of the Statutes of 1999.

2. The members of the permanent board of revisors are entitled to an hourly remuneration equivalent to that of a legal attaché, step 7, according to the classification and standards of the public service, increased by 11.12% to compensate for the absence of fringe benefits.

3. The hourly remuneration of the chairperson of the permanent board is increased by 5 %.

4. Every member of the permanent board of revisors who must travel in the performance of his duties is entitled to the reimbursement of his travel expenses pursuant to the Rules for travel expenses (C.T. 148000) as they read at the time that they apply, upon presentation of the vouchers required by said rules.

5. This regulation shall enter into force on the fifteenth day following the date of its publication in the Gazette officielle du Québec.

D. 1071-99;
D. 389-2002.

TIE VOTE (NEW ELECTION NOTICE) REGULATION

Election Act
(R.S.Q., c. E-3.3, ss. 394 and 550)

DIVISION I
GENERAL

1. The Interpretation Act (R.S.Q., c. I-16), as amended from time to time, applies to this Regulation.

DIVISION II
NOTICE OF A NEW ELECTION

2. In the event of a tie vote following a judicial recount, the returning officer shall inform the Chief Electoral Officer of such at once.

3. The returning officer shall immediately publish a notice advising voters of the new period for filing nomination papers and the new polling date in a newspaper distributed in the electoral division concerned, in accordance with Form 40 attached hereto.

The returning officer may, with the permission of the Chief Electoral Officer, also make the notice public through other media.

4. The returning officer shall post a copy of the notice in his main office. He shall also forward a copy of the notice to each person who stood as candidate at the election which ended in a tie.

DIVISION III
FINAL

5. This Regulation replaces the Tie Vote (New Election Notice) Regulation, approved by the Committee on National Assembly on March 26th, 1985 (*G.O.* 2, April 3rd 1985, 1286).

6. This Regulation comes into force on April 24th, 1989. *

* The Tie Vote (New Election Notice) Regulation has been modified by Committee on the National Assembly on December 20, 2000, and has come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

FORM 40

Election Act
(R.S.Q., c. E-3.3, a. 394)

NOTICE OF A NEW ELECTION ON ACCOUNT OF A TIE VOTE

Electoral Division:

WHEREAS in the election held on the _____ day of _____, 20_____ in the said electoral division a tie vote was declared following a judge's decision on the _____ day of _____, 20 _____, a new election shall be held.

THEREFORE, notice is hereby given to the electors in the electoral division of _____ _____ that:

1. a new period for filing nomination papers is open and any person wishing to stand as a candidate at the election must file a duly completed nomination paper with my office no later than 2:00 p.m. on the second Monday following the day of the judge's decision, namely, Monday the _____ day of _____, 20 _____; and

2. if necessary, polling will take place on the second Monday that follows, namely, Monday the _____ day of _____, 20 _____, from _____ a.m. to _____ p.m.

Signed at _____,

on _____, 20 _____.

_____
Returning Officer

D. 1989-03-23, 1989, G.O. 2, April 5th 1989, 1566;
D. 2000-12-20, 2001, G.O. 2, February 14th 2001, 1196.

VOTING REGULATION

Election Act
(R.S.Q., c. E-3.3, ss. 331, 338 to 340, 348, 350 and 550)

DIVISION I
GENERAL

1. The Interpretation Act (R.S.Q., c. I-16), as amended from time to time, applies to this Regulation.

DIVISION II
MEANS OF IDENTIFICATION

2. A place at which polling stations are located shall be identified by means of a notice containing the following particulars:

(a) identification of the Chief Electoral Officer:

(b) the name of the electoral division;

(c) the numbers of the polling stations located at the place;

(d) the international symbol for accessibility to the handicapped if the premises are accessible to the physically handicapped.

3. During advance polling, each polling station shall be identified by means of a sign identifying the Chief Electoral Officer and indicating the polling subdivisions attached to the advance polling station.

On polling day, the sign shall indicate the number of the polling subdivision the polling station represents.

4. The deputy returning officer, the poll clerk, the officers assigned to the list of electors, the identity verification panel members and the officer in charge of information and order shall, on polling day or advance polling day, as the case may be, wear a badge provided by the Chief Electoral Officer and containing the following particulars:

(a) identification of the Chief Electoral Officer;

(b) the name of the electoral division;

(c) the name and position of the person wearing the badge.

DIVISION III

OATHS OF ELECTORS

5. An elector whose description differs slightly from that entered on the list of electors may nevertheless be admitted to vote after taking the oath in Form 46, attached hereto.

6. Where a deputy returning officer, a poll clerk or a candidate's agent so require, a person shall swear that he:

(a) is a qualified elector;

(b) was domiciled in that polling subdivision on the Tuesday of the second week preceding that of the poll, or that he resided or had his main office in the polling subdivision on the date of his application under section 3 of the Election Act;

(c) has not already voted in the current election;

(d) has received no benefit intended to engage his support for a candidate;

or

(e) has in his possession no ballot paper capable of use in the current election.

The oath shall be taken in Form 47, attached hereto.

7. An elector in whose name a person has already voted may be allowed to vote after taking the oath in Form 48, attached hereto.

DIVISION IV

VOTING WITH TEMPLATE

8. The design of the template a visually handicapped person may use is reproduced in Form 49, attached hereto.

DIVISION V

AUTHORIZATION TO VOTE

9. The returning officer or his assistant shall issue an authorization to vote in Form 50, attached hereto, to any elector whose name does not appear on the list of electors used at the polling station but appears on the revised list of electors in the possession of the returning officer, whose name was the subject of an entry or correction duly accepted by the board of revisors, or who has left his domicile to ensure his safety or the safety of his children and who wishes to avail himself of the provisions of section 3 of the Election Act. In the latter case, the domiciliary address of the elector shall not appear.

DIVISION VI

FINAL

10. This Regulation replaces the Voting Regulation approved by the Committee on the National Assembly on March 26th, 1985 (*G.O.* 2, April 3rd 1985, 1305).

11. This Regulation comes into force on April 24th, 1989. *

* The Voting Regulation has been modified by Committee on the National Assembly on December 20, 2000, on June 15, 2001 and on March 31, 2004, and has come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

FORM 46

Election Act
(R.S.Q., c. E-3.3, s. 338)

OATH OF ELECTOR WHOSE DESCRIPTION IS SLIGHTLY DIFFERENT
FROM THE DESCRIPTION ENTERED ON THE LIST OF ELECTORS

I, (name), domiciled at (address), declare under oath that I am the person described or intended to be described in the following entry on the list of electors (read the description of the elector entered on the list of electors).

Penalties (ss. 553.1 (3) and 567 of the Election Act)

Every person who votes without being entitled to vote commits an offence deemed to be a corrupt electoral practice and is liable to a fine of $500 to $2 000.

FORM 47

Election Act
(R.S.Q., c. E-3.3, s. 350)

OATH OF ELECTOR

I, (name), domiciled at (address), declare under oath that I am an elector in the (name of electoral division) electoral division and that:

(1) I fulfill (or will fulfill) on polling day the conditions for being an elector;

(2) I was domiciled in this polling subdivision on the Tuesday of the second week preceding that of the poll, namely:

day	month	year

or I resided or had my main office in this polling subdivision on the date I filed an application under section 3 of the Election Act;

(3) I have not already voted in the current election;

(4) I have not received any benefit intended to commit me to vote for a candidate;

(5) I do not have in my possession any ballot paper that could be used in the current election.

Penalties (ss. 553.1 (1) (3), 558 and 567 of the Election Act)

- Every person who votes without being entitled to vote or who votes more than once commits an offence deemed to be a corrupt electoral practice and is liable to a fine of $500 to $2 000.
- Every person who receives any benefit whatsoever to influence his vote commits an offence and is liable to a fine of $1 000 to $10 000.

FORM 48

Election Act
(R.S.Q., c. E-3.3, s. 339)

OATH OF ELECTOR ALLOWED TO VOTE AFTER ANOTHER PERSON HAS VOTED UNDER HIS NAME

I, (name), domiciled at (address), declare under oath that I am the person whose name is entered on the list of electors now shown to me and that I have not already voted in the current election.

Penalties (ss. 553.1 (1) and 567 of the Election Act)

Every person who votes more than once commits an offence deemed to be a corrupt electoral practice and is liable to a fine of $500 to $2 000.

FORM 49

Election Act
(R.S.Q., c. E-3.3, s. 348)

This template, valid for a maximum of 10 candidates, enables visually handicapped electors to mark their ballot papers without assistance.

General instructions for deputy returning officer

- A visually handicapped elector using this template is NOT required to take the oath of an elector unable to vote without assistance.

Procedure for handling ballot paper

- Remove one ballot paper from the pad and fold it in the prescribe manner.

- Unfold it and place it in the template so that the first circle on the ballot paper is directly under the first circle of the template.

- Indicate to the elector the order in which the candidates appear on the ballot paper.

- Ask the elector to refold the ballot paper after marking it along the folds you have already made.

FORM 50

Election Act
(R.S.Q., c. E-3.3, s. 340)

AUTHORIZATION TO VOTE

Electoral Division:	Polling Subdivision:

☐ I attest that the revised list of electors for the said polling subdivision of the electoral division contains the following entry:

☐ I attest that the following name was the subject of an entry or correction duly accepted by the appropriate board of revisors:

☐ I attest that the following elector has left his domicile to ensure his safety or the safety of his children and has availed himself of the provisions of section 3 of the Election Act:

_____
Name

_____
Domiciliary address

_____ _____
Sex Date of birth

Signed at _____

this _____, 20 _____

_____
Returning Officer

OR

_____
Assistant Returning Officer

D. 1989-03-23, 1989, G.O. 2, April 5th 1989, 1580;
D. 2000-12-20, 2001, G.O. 2, February 14th 2001, 1197;
D. 2001-06-15, 2001, G.O. 2, July 11th 2001, 3563;
D. 2004-03-31, 2004, G.O. 2, April 21st 2004, 1310.

ELECTORAL CALENDAR

LE DIRECTEUR GÉNÉRAL DES ÉLECTIONS DU QUÉBEC

Election calendar

Election period with revision

Poll: 5th Monday or 6th Monday depending on the day the order instituting the election is issued (EA 131)

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				39th day Opening of the main office of the returning officer from 9:00 a.m. to 9:00 p.m. Monday to Friday and from 9:00 a.m. to 5:00 p.m. Saturday and Sunday ♿ (EA 132)[1] Production and transmission by the CEO to the returning officer of the list of electors, the list of electors entitled to vote outside Québec, the list of electors for whom a verification has been requested and the list of the addresses for which no electors' names are entered (EA 145)[1] Seven-day period when publicity is prohibited (EA 429)[1]	38th day	37th day First day (2:00 p.m.) for filing nomination papers (EA 237)[1]
				PERIOD DURING WHICH AN ORDER INSTITUTING		
36th day	35th day	34th day	33rd day	32nd day	31st day	30th day
THE ELECTION MAY BE ISSUED (EA 128 and 131)		ORGANIZATION OF THE MAIN OFFICE OF THE RETURNING OFFICER AND CHOICE OF LOCATIONS FOR BOARDS OF REVISORS AND ADVANCE POLLING STATIONS				
29th day	28th day	27th day	26th day	25th day	24th day	23rd day
	Last day for the returning officer to inform the CEO, the political parties, the independent members and candidates of places where the boards of revisors are established ♿ (EA 180) Last day for the returning officer to inform the political parties and candidates of places where advance polling stations are established ♿ (EA 308) Last day for the returning officer to send the name of the person he intends to appoint as chair of each board of revisors (EA 185)	Last day for recommendations of revisors and revising officers (EA 184 and 230) Last day for the returning officer to transmit the list of electors, the list of electors entitled to vote outside Québec and the list of the addresses for which no electors' names are entered to each candidate (EA 146) First day for a private intervenor to file an application for authorization by the returning officer of his electoral division (EA 457.5) Last day for receiving the notice pertaining to the appointment of the chair of each board of revisors (EA 185)	Last day to appoint revisors and revising officers (EA 182, 188 and 230)			
22nd day	21st day	20th day	19th day	18th day	17th day	16th day
Last day to send to each dwelling the voter's manual (EA 134) Last day to send to each address notice containing the information relating to the inscription on the list of electors, the revision and the advance polling (EA 198.1 and 301)	Revision • First day of work of the boards of revisors which sit from 9:00 a.m. to 9:00 p.m. Monday to Friday and from 9:00 a.m. to 5:00 p.m. Saturday and Sunday ♿ (EA 180 and 193) Revision of the list of electors entitled to vote outside Québec • First day of work of the board of revisors (EA 231) Mobile revision: • First day of the potential period of work of the mobile board of revisors (EA 194)		Last day for receiving an application to exercise one's right to vote outside Québec (EA 287)	Last day to transmit to the returning officer a list of the electors who have become entitled to vote outside Québec since the issue of the order (EA 147) Sending of this list by the returning officer to each candidate (EA 147)		Last day (2:00 p.m.) for filing nomination paper (EA 237) Posting up and transmitting of the notice of a poll to the candidates (EA 261) Last day for transmitting the electoral list of inmates by the director of a house of detention to the CEO (EA 298)
15th day	14th day	13th day	12th day	11th day	10th day	9th day
	Last day for recommendations of deputy returning officers, poll clerks, officers assigned to the list of electors and members of the identity verification panel (EA 301.1, 310.1, 312 and 312.1) Last day to send the list of candidates to each elector entitled to vote outside Québec (EA 288)	Last day for filing applications with the board of revisors (EA 193) Last day to request the mobile board of revisors (EA 194) Last day for the written proxy of a candidate in order for his name not to appear on the ballot paper (EA 257) Last day for a private intervenor to file an application for authorization by the returning officer of his electoral division (EA 457.5) Last day to apply for mobile voting (EA 301.8 and 301.17) Revision of the list of electors entitled to vote outside Québec • Last day to file an application for striking with the board of revisors (EA 231)	Special revision • First day of work of the special boards of revisors which sit from 9:00 a.m. to 9:00 p.m. Monday to Friday and from 9:00 a.m. to 5:00 p.m. Saturday and Sunday ♿ (EA 180 and 222) Last day for the returning officer to inform each candidate of places where polling stations are established (EA 302) Last day for the returning officer, to post and transmit to candidates the list of deputy returning officers, poll clerks, officers assigned to the list of electors and members of the identity verification panel (EA 313) Sending by the returning officer to each candidate, the list of electors who have made a request to vote at the mobile advance polling station (EA 301.9 and 301.18)	Revision • Last day of work of the boards of revisors (EA 193) Mobile revision • Last day of work of the mobile board of revisors (EA 194)	Last day to transmit the list of the authorizations granted to private intervenors by the returning officer to the political parties and candidates (EA 457.6)	Last day for the returning officer to transmit to each candidate the revised copies of the list of electors and the list of the electors who have become entitled to vote outside Québec since the issue of the order (EA 218) Mobile polling station in the institution referred (EA 301.15 and 301.16) Sending by the returning officer of the list of electors who have voted in the advance polls to each candidate (EA 301.5)
8th day	7th day	6th day	5th day	4th day	3rd day	2nd day
Polling stations in residential facilities (EA 301.7) Advance polling: 9:30 a.m. to 8:00 p.m. ♿ (EA 308, 301.1 and 301.2) Sending by the returning officer of the list of electors who have voted in the advance polls to each candidate (EA 301.5)	Polling stations in residential facilities (EA 301.7) Advance polling: 9:30 a.m. to 8:00 p.m. ♿ (EA 308, 301.1 and 301.2) Sending by the returning officer of the list of electors who have voted in the advance polls to each candidate (EA 301.5)	Mobile polling station in the institution referred (EA 301.15 and 301.16) Sending by the returning officer of the list of electors who have voted in the advance polls to each candidate (EA 301.5)		Special revision • Last day (2:00 p.m.) for filing applications with the special board of revisors (EA 222) • Last day of work of the special boards of revisors (EA 222) Revision of the list of electors entitled to vote outside Québec • Last day of work of the board of revisors (EA 231)	Transmitting of an abstract of the changes made to the revised list of electors in each candidate by the returning officer (EA 227 and 233.6)	Last day for the returning officer to send a reminder to each dwelling (EA 135)
1st day	Polling day					
	9:30 a.m. to 8:00 p.m. ♿ (EA 131, 303 and 333) Publicity prohibited in the media (EA 429.1)	Addition of the votes at the main office of the returning officer (EA 271)				Last day to apply for a judicial recount to a judge of the Court of Québec (EA 384 and 385)

DGE-5 (08-08) LE-VA Election Act, section 133 — EA means Election Act (R.S.Q., c. E-3.3) — ♿ Accessible to handicapped persons — [1] Linked to the day the order is issued — The Chief Electoral Officer